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A Motion Picture Reviewing Service
 Devoted Chiefly to the Interests of the Exhibitors

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A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING**Vol. XXVIII****SATURDAY, JANUARY 5, 1946****No. 1****TESTIMONY AT TRIAL HITS BACK
AT MAJOR COMPANIES**

In the November 10, 1945 issue of this paper, under the heading, "Has the Independent Producer an Open Market?" there was discussed the question of whether or not the major companies' alleged monopolization of the distribution and exhibition of motion pictures had a restrictive control on the production activities of an independent producer.

This paper pointed out that, from what had been said in the court room at the trial of the New York anti-trust suit, one was left with the impression that the independent producers were not too badly off under the present set-up of distribution and exhibition. Such an impression, we stated, was at variance with the views expressed privately by several independent producers, and we urged, therefore, that these views should be expressed openly if independent production were to forge ahead in this business.

Using testimony that major company representatives had given to the court at the anti-trust trial in New York City, the Society of Independent Motion Picture Producers has given open expression to its members' views to prove that a monopoly in the exhibition field does exist, thus denying to the independent producer an opportunity to compete with the major companies in a free and open market.

In a brief filed by the Society with the Court's permission as a "friend of the court," it is stated: "It is not the purpose of this brief to present matters of law . . . or to engage in any lengthy discussion . . . of the evidence presented to the Court. It is our purpose, rather, to invite the attention of the Court to some phases of the evidence which may perhaps be entirely overlooked by counsel representing the Government and the defendants but which we believe to be of vital importance in a correct determination of the questions involved. . . ."

The brief then calls attention to part of the testimony given by Austin C. Keough, member of the board of directors of Paramount, to prove the case of the independent producer:

"The independent producer usually is the best and most talented man, whether he be a producer or a director or sometimes a writer, or sometimes a star, man or woman, and for one reason or another, good to themselves, they go into independent production and nobody has any interest in their venture except as they perhaps provide financing for them."

The brief then explains to the court that the independent producer must make an outstanding picture in competition with the average picture made by any one of the "big five"; otherwise his picture hasn't a

chance because of the control of the choice theatres by the "big five." " . . . the evidence fairly shows that the motion pictures produced by the producing organizations of the 'big five' are given preference in playing time, length of engagements and terms over the pictures produced by independent producers. Indeed, a fair summary of the testimony of certain of the witnesses for the defendants shows that the distributor-exhibitor defendants claim the actual necessity of owning and operating theatres for the very reason that they cannot be assured of making a profit on their production activities without this ownership or control of theatres in which their picture can be exhibited. . . ."

Documentary evidence introduced by the Government shows, the brief states, that, by the use of theatre pooling agreements, franchises, cross-licensing and profit participations, the "big five" are now engaged in monopolistic practices within the purview of the Sherman Act. " . . . It is no answer for these defendants to say that when they initially entered the exhibition field by the purchase of theatres that step was taken as an absolute business necessity. It is the history of practically all combinations in restraint of trade that the business commenced as an individual undertaking, in open and free and fair competition, became an illegal combination in restraint of trade by growth and by the gaining of power attendant upon that growth to enormous proportions. . . ."

The brief points out the fact that the "big five" owns practically all the first-run theatres in all the large cities. From these comes the biggest proportion of the box-office receipts, and the independent producer has no hope of ever getting his pictures shown in them in open competition, because the "big five" have a strangle hold on the major portion of the box-office receipts, and the independent producer is discriminated against by the imposition of unfavorable terms and by being denied choice play-dates and extended runs.

Although the government, as the plaintiff, did not accuse the "big five" of maintaining a monopoly in production, the brief of the independent producers asks: of what advantage is the fact that there is free and open competition in the production field when the defendants control the main exhibition outlets? "From what source," queries the brief, "is an independent producer able to make his outstanding contribution to the industry if he is to find a two million dollar motion picture on his hands with no fair opportunity of having it exhibited in the main centers of population in the United States upon terms and conditions fairly equal to those of major producers with

(Continued on last page)

**"The Seventh Veil" with Ann Todd
and James Mason**

(Universal, no release date set; time, 92 min.)

A very good psychological drama. It is an English-made production, with an all-English cast, and it offers adult audiences a real treat, for a number of reasons: It has an intelligent, intriguing story; expert direction and fine performances by the players; human interest; suspense and excitement; and unusually good symphonic music, which is woven into the story without interfering with the action. Although it is the type of picture that will have a particular appeal for class audiences, it will undoubtedly give satisfaction also to others because of its emotional appeal. Since the players are not known in this country, the picture will require extensive exploitation:—

Rescued from the Thames after an attempted suicide, Ann Todd maintains an obstinate silence over the cause of her acute depression. Herbert Lom, a psychiatrist, places Ann under narco-hypnosis to learn the reason for her mental unrest. In a trance, she relates that, as a schoolgirl of fourteen, her teacher had caned her hands on the eve of a musical examination, causing her to fail. Heart-broken, and orphaned by the death of her father, she had gone to live with James Mason, a distant cousin, who was a strange, brooding figure, openly resentful of women. Mason, at first cold to her, had discovered her gift for music, and had sent her to the Royal Academy of Music to study. There she met and fell in love with Hugh McDermott, a Canadian bandleader, but Mason, disapproving, had put an end to the romance by taking her to Paris to continue her studies. After years of intensive training, during which Mason dominated her life, Ann had become a renowned classical pianist. She had tried to renew her romance with McDermott, only to learn that he had married. Shortly afterwards, she had fallen in love with Albert Levien, an artist, and over the objections of Mason, had tried to elope with him. Their car, however, had crashed, causing injuries to her hands. Believing that she would never be able to play again, she had become depressed. The psychiatrist, having unveiled her mind, manages to cure her fixation, as well as to unite her with the man she really loved—Mason.

Muriel and Sydney Box wrote the original story and screen play, Mr. Box produced it, and Compton Bennett directed it.

Adult entertainment.

**"I Ring Doorbells" with Anne Gwynne
and Robert Shayne**

(PRC, Feb. 25; time, 65 min.)

Based on Russell Birdwell's book, of the same title, this emerges as a rather ordinary program newspaper melodrama, with comedy, and with a murder mystery thrown in for good measure; it should serve its purpose as the lower-half of a double-bill in secondary houses. There is so little to the story that it barely holds one's interest. Moreover, it is too talky. A good part of the action is in a comedy vein, but it fails to liven up the action. Still another fault is the fact that the spectator is never held in suspense, for the outcome is obvious. As a matter of fact, the engaging performances by the players save it from complete mediocrity:—

Pierre Watkin, a newspaper publisher, confides to Michael Shayne, his ace reporter, that he disapproved of Jan Wiley, with whom his son was in love, because he suspected her of being a "gold-digger." He assigns Shayne to obtain proof against her. Shayne strikes up a friendship with Doris Caron, Jan's French maid, and, while he makes love to her, Roscoe Karns, the paper's photographer, installs a hidden camera in Jan's apartment. Shayne finds himself obliged to keep the maid entertained evenings, thereby getting his own romance with Anne Gwynne, a free lance journalist, in a tangle. One evening Anne sees them together in a night-club and follows the maid home, where she discovers Jan murdered. Shayne and Karns arrive shortly afterwards, and all are taken to police headquarters as suspects. They are released, however, when John Eldredge, the paper's drama critic, confesses that Jan was his former girl-friend, and that, in a fit of uncontrollable jealousy over her engagement to the publisher's son, he had visited her apartment and struck her. He, too, is released, however, when laboratory tests disclose that Jan had died, not from a blow but from poison. Shayne, suspecting trickery in Eldredge's confession, has Karns develop the film in the hidden camera, enabling him to prove that Eldredge dropped poison in Jan's drinking glass. The murder solved, Ann forgives Shayne, while Karns loses no time getting acquainted with the maid.

Dick Irving Hyland wrote the screen play, Martin Mooney and Leon Fromkess produced it and Frank Strayer directed it. The cast includes Harry Tyler, Harry Shannon and others.

Unobjectionable morally.

"The Face of Marble"

with John Carradine and Claudia Drake

(Monogram, no release date set; time, 72 min.)

If your patrons enjoy fantastic horror pictures, dealing with voodooism, "undead" people, and scientists who experiment in things supernatural, this melodrama should give fair satisfaction as a supporting feature. Others will be either amused or bored by the far-fetched happenings, for the story offers little that has not been done many times. Moreover, it does not hold one's interest because it is wholly unconvincing, and could appeal only to morbid natures. The situations that show the scientists experimenting with dead bodies are sickening, particularly when the eyes open suddenly. Despite the routine story and treatment, it is eerie enough for the followers of this type of entertainment, and the different doings should provide them with several thrills:—

John Carradine, a scientist, and Robert Shayne, his young assistant, use a drowned sailor in an experiment to restore life. The experiment succeeds, but the sailor, crazed, and with his face as rigid as marble, electrocutes himself in the machinery. Carradine's Haitian housekeeper (Rosa Rey), a believer in voodooism, who was devoted to Claudia Drake, Carradine's youthful wife, felt that her mistress was in love with the young assistant. To induce Shayne to reciprocate Claudia's affection, the housekeeper resorts to voodooism. Meanwhile the police, having found the body of the electrocuted sailor on a beach nearby, become suspicious of Carradine's experiments, causing Shayne to become upset. Carradine, to ease the young man's

mind, sends for Maris Wrixon, his fiancée. When Maris arrives, the housekeeper resents her presence in the belief that she would interfere with her mistress' attempts to win Shayne's love. She devises a plan to kill Maris by suffocation, but murders Claudia by mistake. Carradine and Shayne restore Claudia to life but, deranged and under the influence of the housekeeper, she kills her husband. By the time the police arrive, the housekeeper commits suicide, and the "undead" Claudia walks into the ocean, drowning herself.

Michel Jacoby wrote the screen play, Jeffrey Bernard produced it, and William Beaudine directed it. The cast includes Willie Best, Thomas E. Jackson and others.

Too horrifying for children.

"Up Goes Maisie" with Ann Sothorn and George Murphy

(MGM, no release date set; time, 89 min.)

One of the best in the "Maisie" series of program comedies. Ann Sothorn, as "Maisie," again predominates, and despite a few dull lapses it is good mass entertainment, able to keep an audience amused throughout. This time "Maisie" finds romance and adventure when she secures employment as secretary to George Murphy, handsome young inventor of a helicopter with automatic controls. The closing scenes in particular are both hilarious and exciting; they show "Maisie" recovering the helicopter from a gang of thieves and piloting it through the downtown section of a large city, narrowly missing a crack-up with numerous tall office buildings. It is a new twist on "cliff-hanging" sequences, and should draw gales of laughter from your patrons:—

Shortly after Ann becomes his secretary, Murphy learns that she was accustomed to working around planes because of her experience in a defense plant. He swears her to secrecy and takes her to his small plant, where he and his buddies (Murray Alper, Lewis Howard, and Horace McNally) were building the helicopter. Ann takes a hand in its construction, and learns that Paul Harvey was financing the project in return for a share of the profits. Unknown to the others, McNally was working with Harvey and his daughter (Hillary Brooke) in a scheme to steal the invention from Murphy. The plane is built in four weeks, during which time Ann and Murphy fall in love. While Murphy goes to Seattle to arrange for Ray Collins, an industrialist, to come to Los Angeles to see the helicopter in action, Hillary tricks Ann into disgracing herself at a party. Ann runs away lest Murphy's career be endangered by her behaviour. Meanwhile McNally, who had secretly built a duplicate of the helicopter for Harvey, exchanges it with the original and sets fire to Murphy's plant. Ann, learning of the fire, rushes to the plant only to find the helicopter in ruins. Having found reason to suspect McNally, Ann follows him to Harvey's warehouse, where she discovers the original helicopter. While Alper and Howard fight off Harvey's henchmen, Ann takes off in the helicopter and succeeds in landing it at the Rose Bowl, where the industrialist, waiting with Murphy to see it demonstrated, is so impressed with its maneuverability that he agrees to back it.

Thelma Robinson wrote the story and screen play, George Haight produced it, and Harry Beaumont directed it.

Unobjectionable morally.

"The Harvey Girls" with Judy Garland and John Hodiak

(MGM, no release date set; time, 101 min.)

Good entertainment. It is an elaborately staged musical, photographed in Technicolor, with all the elements that endow it with mass appeal. Unlike the general run of musicals, which are of the backstage variety, this one has a Western setting in the 1890's, and it revolves around a troupe of Eastern waitresses who help to establish a Fred Harvey restaurant in a New Mexico frontier town. The story itself follows a familiar pattern, but it holds one's interest throughout because of the engaging performances, the comedy, and the delightful musical sequences. As a matter of fact, the music and dancing provide the film with its most charming moments. Best known of the tunes is the popular "On the Atchison, Topeka and Santa Fe." Judy Garland, as one of the waitresses, and John Hodiak, as a tough but square-shooting gambling house proprietor, make an effective romantic team. Ray Bolger's dancing, Virginia O'Brien's singing, and Marjorie Main's comedy antics are not the least of the picture's assets. Towards the finish there is a rousing fight between Hodiak and the villains in a burning building:—

En route to Sandrock to marry a cowboy whom she had never met (their courtship was by correspondence), Judy Garland meets on the train a group of waitresses who were going to Sandrock to open a new Harvey restaurant. Arriving in the town, Judy learns that the love letters sent her were a hoax perpetrated by Hodiak in the name of Chill Wills, an elderly, illiterate drunkard. Judy gives Hodiak a piece of her mind and secures employment with the Harvey girls. Lest the waitresses' integrity and pristine manners bring respectability to the town, thus reducing the profits he made from Hodiak's gambling house, Judge Preston Foster starts a campaign to force the girls to leave. His henchmen resort to many mean tricks to frighten them, but Hodiak, himself not pleased about having the girls in town, insists on fighting fair and opposes Foster's tactics. Meanwhile Hodiak and Judy find themselves falling in love, much to the chagrin of Angela Lansbury, the saloon queen. The Harvey girls combat Foster by providing the town with wholesome entertainment, and before long Hodiak decides to move his establishment to another town. Foster, peeved, sets fire to the Harvey restaurant. Hodiak gives him a terrific beating, but the fire razes the eating place. On the following day, he arranges for the saloon to be converted into a temporary Harvey restaurant, and prepares to leave town. But Angela, realizing that Hodiak had lost his heart to Judy, sees to it that he remains behind, while she and her saloon girls head further West.

Edmund Beloin, Nathaniel Curtis, Harry Crane, James O'Hanlon and Samson Raphaelson wrote the screen play, Arthur Freed produced it, and George Sidney directed it. The cast includes Kenny Baker, Selena Royale, Ben Carter and others.

Unobjectionable morally.

whom he is supposedly in competition? The independent producer may produce an artistic triumph and a picture of the greatest possibilities, so far as public reception is concerned, but he cannot select the theatres where this picture is to be shown. On the contrary, he is told by the 'big five' where he can show it and he is required to show it in accordance with a playing policy dictated by the 'big five'."

When Mr. Peter Rathvon, president of RKO, was on the stand, he was asked many questions to which he gave ample answers. The brief quotes his testimony to impress the court with the fact that a theatre-owning producer has many advantages over a non-theatre-owning one, and that, without a theatre outlet, RKO would have been in a very bad position financially.

Part of this testimony is to the effect that, during one period of five years, the company's production-distribution activities resulted in a loss of about five million dollars, which was readily absorbed by the profit from theatre operations of nine million dollars. This is, indeed, no trifling advantage that a major company has over the independent producer, whose earnings depend entirely upon the efficiency of his production activities.

After pointing to the fact that many of the witnesses who testified for the defendants stated in unequivocal terms that the independent producer is a talented man, one who has been responsible for the greatest advancement of motion pictures throughout the years, the brief concludes:

"... Independent production can continue only if the motion picture made by the independent producer is given an opportunity in fair, free and open competition with individual motion pictures made by major producers. The independent producer cannot exist and compete with the majors if the doors of the first run theatres in the major cities of the United States are closed to him by the producer-distributor-exhibitor defendants or, if opened to him at all, are only partially opened on terms and conditions unfairly disproportionate with those offered to the distributor-exhibitor defendants."

SCHINE CIRCUIT FILES NOTICE OF APPEAL

According to a report in *Motion Picture Daily*, the Schine Circuit has filed notice that it will take an appeal to the U. S. Supreme Court in connection with the recent decree handed down by Judge John Knight in the Government's anti-trust suit against it. Judge Knight ordered dissolution of the circuit on the grounds that it operated in violation of the Sherman anti-trust act.

The notice alleged that the decree entered against the circuit was "contrary to the findings of fact and to the evidence."

That the Schine Circuit has filed a notice of appeal does not come as a surprise. In the opinion of this paper, however, the case seems to be too strongly in favor of the Government to hold forth much hope for a reversal. Assuming that the Supreme Court will examine into the merits of the case, it might well result in an affirmation of Judge Knight's decision, thus strengthening further the Department of Justice in its fight to assure all buyers of film free and open competition.

PRODUCER-DISTRIBUTORS INDIFFERENT TO LOCAL TAXES ON ADMISSIONS

The producer-distributing companies seem to be indifferent to attempts by city councils to impose a tax on theatre admissions. That is what has been the experience of exhibitors in the city of Los Angeles.

Recently the city council decided to pass an ordinance imposing a five per cent tax on theatre admissions.

You would naturally think that the producer-distributors would stand behind the exhibitors and fight the tax. If that is what you think, then you have another guess coming; they did not raise a finger to fight it—the fighting was done by the exhibitors alone.

So far the exhibitors have been successful in fighting that ordinance. But who can tell what may happen tomorrow? But if the efforts of the city fathers to impose a tax on admissions is resumed, it is a question whether the exhibitors will be as successful in fighting it as they have been so far.

In any locality where it is sought to impose a tax on admissions, the producer-distributors should be concerned as much as the exhibitors, even though the effects of the tax will not be felt by the former as directly as they are felt by the exhibitors. Consequently, to compel the exhibitors to fight off the tax alone is, not only a task that may be too great for them to accomplish, but also a rank injustice.

IS THE SPONSORED SCREEN ADVERTISING MISTAKE TO BE REPEATED?

Some of these days there will be a war again between the newspapers and the motion picture industry, because the picture theatres are encroaching more and more into a field that belongs to the newspapers—the advertising field.

If you were in this business in 1931, you will probably recall that during that year Paramount and Warner Brothers began accepting sponsored screen advertising. Other companies were making ready to enter the field. They made short subjects advertising commercial products. The newspapers of the nation were aroused and began writing editorials against a practice that was repugnant to the picture-going public. As a result of that campaign, both Paramount and Warners were compelled to give up their advertising activities.

Rumors have had it that some picture companies are again flirting with sponsored screen advertising, and HARRISON'S REPORTS is prompted to ask whether the film companies will repeat the 1931 mistake?

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HARRISON'S REPORTS

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NEW YORK, N. Y., SATURDAY, JANUARY 5, 1946

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RELEASE SCHEDULE FOR FEATURES

Columbia Features

(729 Seventh Ave., New York 19, N. Y.)

6224 Song of the Prairie—Western musical (69m)Sept. 27
6005 She Wouldn't Say Yes—Russell-Bowman...Nov. 29

A Song to Remember—Muni-OberonMar. 1
Kiss and Tell—Temple-AbelOct. 18
(End of 1944-45 Season)

Beginning of 1945-46 Season

7022 Crime Doctor's Warning—Warner Baxter ..Sept. 27
7029 Girl of the Limberlost—Nelson-CliftonOct. 11
7201 Blazing the Western Trail—Starrett (55 m.) Oct. 18
7024 Voice of the Whistler—Dix-MerrickOct. 30
7036 Prison Ship—Lowery-FochNov. 15
7202 Lawless Empire—Charles Starrett (58 m.)..Nov. 15
Snafu—Parks-LloydNov. 22
7023 My Name is Julia Ross—Foch-Macready ...Nov. 27
Hit the Hay—Canova-HunterNov. 29
Life with Blondie—Singleton-LakeDec. 13
One Way to Love—Carter-MorrisDec. 20
7203 Texas Panhandle—StarrettDec. 20
Pardon My Past—MacMurray-Chapman....Dec. 25
Out of the Depths—Bannon-Hunter (formerly
"Strange Voyage")Dec. 27
Meet Me on Broadway—Reynolds-Falkenburg. Jan. 3
Tars and Spars—Blair-Drake.....Jan. 10
A Close Call for Boston Blackie—Morris.....Jan. 24
Frontier Gun Law—Charles StarrettJan. 31
The Notorious Lone Wolf—Mohr-Carter....Feb. 14
Roaring Rangers—Charles Starrett.....Feb. 14
Bandit of Sherwood Forest—Wilde-Louise...Feb. 21
The Lady Misbehaves—Massen-Stonton....Feb. 28

Metro-Goldwyn-Mayer Features

(1540 Broadway, New York 19, N. Y.)

Block 13

600 Our Vines Have Tender Grapes—
Robinson-O'BrienSept.
601 The Hidden Eye—Edward ArnoldSept.
602 Abbott & Costello in HollywoodOct.
603 Her Highness & the Bellboy—Lamar-Walker ...Oct.
604 Dangerous Partners—Craig-HassoOct.

Block 14

606 What Next, Corporal Hargrove?—
Walker-WynnNov. Dec.
607 She Went to the Races—Craig-Gifford....Nov. Dec
608 Vacation from Marriage—Donat-Kerr....Nov. Dec.
610 Yolanda and the Thief—Astaire-Bremer....Nov. Dec.
609 They Were Expendable—Montgomery-
WayneNov. Dec.
(Ed. Note: "A Letter for Evie," listed in the last schedule
in Block 14, has been withdrawn and replaced by "They
Were Expendable.")

Specials

605 Weekend at the Waldorf—All starOct.

Monogram Features

(630 Ninth Ave., New York 19, N. Y.)

464 Riders of the Dawn—Jimmy Wakely (58 m.)..Nov. 3
458 Frontier Feud—J. M. Brown (54 m.).....Nov. 24
452 Drifting Along—J. M. Brown (60 m.).....Dec. 29
(End of 1944-45 Season)

Beginning of 1945-46 Season

561 Lonesome Trail—Jimmy Wakely (55 m.)....Dec. 8
508 Black Market Babies—Morgan-Loring.....Dec. 15
505 Allotment Wives—Francis-Kelly (re.).....Dec. 29
516 Strange Mr. Gregory—Lowe-Rogers.....Jan. 2
565 Border Bandits—J. M. Brown (57 m.).....Jan. 12
513 The Red Dragon—Sidney Toler.....Feb. 2
572 Moon Over Montana—Jimmy Wakely.....Feb. 16
552 The Haunted Mine—J. M. Brown.....Feb. 23

Paramount Features

(1501 Broadway, New York 18, N. Y.)

Block 1

4501 Duffy's Tavern—Ed GardnerSept. 28
4504 Love Letters—Jones-CottonOct. 26
4503 The Lost Weekend—Milland-WymanNov. 16
4502 Follow That Woman—Gargan-KellyDec. 14

Block 2

4506 Hold That Blonde—Bracken-LakeNov. 23
4507 Stork Club—Hutton-FitzgeraldDec. 28
4508 People are Funny—Haley-LangfordJan. 11
4509 Kitty—Milland-GoddardJan. 25

Block 3

- 4513 Miss Susie Slagle's—Lake-TuftsFeb. 8
 4512 Masquerade in Mexico—Lamour-DeCordova Feb. 22
 4511 Tokyo Rose—Barr-MassenMar. 8

Special

- 4531 Road to Utopia—Crosby-Hope.....Mar. 22
 (Ed. Note: "Road to Utopia," listed in the last schedule as No. 4514, has been withdrawn from Block 3 and made a special.)

PRC Pictures, Inc. Features

(625 Madison Ave., New York 22, N. Y.)

- 222 Why Girls Leave Home—Blake-Leonard.....Not set
 (End of 1944-45 Season)

Beginning of 1945-46 Season

- Club Havana—Neal-LindsayOct. 23
 Prairie Rustlers—Buster Crabbe (58 m.).....Nov. 7
 Song of Old Wyoming—Dean-Holt (67 m.)..Nov. 12
 The Navajo Kid—Bob Steele (59 m.).....Nov. 21
 Detour—Neal SavageNov. 30
 Enchanted Forest—Lowe-JoyceDec. 8
 How Do You Do?—Bert Gordon.....Dec. 24
 Strangler of the Swamp—LaPlanche-Barrat...Jan. 1
 Lightning Raiders—Buster Crabbe (66 m.)...Jan. 7
 Danny Boy—Robert "Buzzy" Henry.....Jan. 8
 Six Gun Man—Bob Steele.....Feb. 1
 The Flying Serpent—Zucco-Kramer.....Feb. 20
 I Ring Doorbells—Gwynne-Shayne.....Feb. 25
 Mask of Dijon—Von Stroheim-Bates.....Mar. 7

Republic Features

(1790 Broadway, New York 19, N. Y.)

- 430 The Tiger Woman—Richmond-GreyNov. 16
 431 Mexicana—Guizar-MooreNov. 15
 446 Along the Navajo Trail—Roy Rogers (66m)..Dec. 15

(More to Come)

Beginning of 1945-46 Season

- 561 Phantom of the Plains—Bill Elliott (55m.) ..Sept. 7
 551 Bandits of the Badlands—
 Sunset Carson (56 min.)Sept. 14
 501 Scotland Yard Investigator—Smith-
 Von StroheimSept. 30
 562 Marshal of Laredo—Bill Elliott (56 min.) ...Oct. 7
 552 Rough Riders of Cheyenne—Sunset Carson
 (56 min.)Nov. 1
 502 Girls of the Big House—Roberts-Powers ...Nov. 2
 563 Colorado Pioneers—Bill Elliott (55 m.).....Nov. 14
 504 Captain Tugboat Annie—Darwell-Kennedy ..Nov. 17
 503 An Angel Comes to Brooklyn—Dowd-Duke ..Nov. 27
 507 Woman Who Came Back—Kelly-Loder.....Dec. 13
 553 The Cherokee Flash—Sunset Carson (55 m.)..Dec. 13
 564 Wagon Wheels Westward—Bill Elliott (56m)..Dec. 21
 505 Dakota—Wayne-RalstonDec. 25
 506 Song of Mexico—Mara-Barrier.....Dec. 28
 508 A Guy Could Change—Lane-Frazee.....Jan. 27

RKO Features

(1270 Sixth Ave., New York 20, N. Y.)

(No national release dates)

Block 2

- 606 Man Alive—O'Brien-Drew-Menjou
 607 First Yank Into Tokyo—Neal-Hale
 608 Isle of the Dead—Karloff-Drew
 609 Wanderer of the Wasteland—Warren-Long
 610 The Spanish Main—Henreid-O'Hara

Block 3

- 611 The Spiral Staircase—Brent-McGuire.....
 612 Cornered—Dick Powell
 613 Dick Tracy—Conway-Jeffreys
 614 Sing Your Way Home—Haley-Jeffreys.....
 615 Hotel Reserve—English-cast.....

Specials

- 681 Along Came Jones—Cooper-Young
 651 Wonder Man—Danny Kaye
 691 Wonderful Adventures of Pinocchio—(reissue)

Twentieth Century-Fox Features

(444 W. 56th St., New York 19, N. Y.)

- 609 The Dolly Sisters—Grable-HaverNov.
 611 And Then There Were None—
 Fitzgerald-HustonNov.
 613 The Spider—Conte-MarloweDec.
 612 Fallen Angel—Faye-AndrewsDec.
 615 Shock—Price-BariJan.
 616 A Walk in the Sun—Andrews-Conte.....Jan.
 610 Col. Effingham's Raid—Coburn-Bennett.....Feb.
 617 Doll Face—O'Keefe-BlaineFeb.
 618 Behind Green Lights—Landis-Gargan.....Feb.

Specials

- 602 Wilson—Knox-FitzgeraldAug.
 614 Leave Her to Heaven—Tierney-Wilde.....Jan.

United Artists Features

(729 Seventh Ave., New York 19, N. Y.)

- Getting Gertie's Garter—O'Keefe-McDonaldNov. 30
 Blithe Spirit—English castDec. 14
 Spellbound—Bergman-PeckDec. 28
 Abilene Town—Scott-DvorakJan. 11
 Whistle Stop—Raft-GardnerJan. 25
 The Outlaw—Russell-BuetellFeb. 8
 Diary of a Chambermaid—Goddard-Meredith....Feb. 15
 Breakfast in Hollywood—Tom Breneman.....Feb. 22
 Young Widow—Russell-Hayward.....Mar. 1
 Johnny in the Clouds—English Cast (re.).....Mar. 15

Universal Features

(1270 Sixth Ave., New York 20, N. Y.)

- 508 This Love of Ours—Oberon-Rains.....Nov. 2
 509 Crimson Canary—Beery, Jr.-CollierNov. 9
 510 The Daltons Ride Again—Curtis-Taylor...Nov. 23
 1103 Trail to Vengeance—Grant-Knight (54m)Nov. 30
 511 House of Dracula—Chaney-AtwillDec. 7
 512 Pillow of Death—Chaney-JoyceDec. 14
 513 Frontier Gal—De Carlo-CameronDec. 21
 514 Scarlet Street—Robinson-BennettDec. 28
 515 Girl on the Spot—Collier-Barker.....Jan. 11
 516 Because of Him—Durbin-Laughton.....Jan. 18
 1104 Gun Town—Grant-Knight (53 m.).....Jan. 18
 517 Tangier—Montez-PaigeFeb. 1
 518 Idea Girl—Barker-BishopFeb. 8
 519 Little Giant—Abbott & Costello.....Feb. 22
 520 Terror by Night—Rathbone-BruceMar. 1

Warner Bros. Features

(321 W. 44th St., New York 18, N. Y.)

- 505 Mildred Pierce—Crawford-Carson-ScottOct. 20
 506 Confidential Agent—Boyer-BacallNov. 10
 507 Too Young to Know—Leslie-HuttonDec. 1
 508 Danger Signal—Emerson-ScottDec. 15
 509 San Antonio—Errol-FlynnDec. 29
 510 My Reputation—Stanwyck-BrentJan. 26

SHORT SUBJECT RELEASE SCHEDULE

Columbia—One Reel

- 7751 Phoney Baloney—Fox & Crow (7 min.)....Nov. 1
 7901 The Magic Stone—Panoramic (10 m.).....Nov. 8
 7853 Screen Snapshots No. 3 (9 min.)Nov. 15
 7803 Cadet Cagers—Sports (8½ min.)Nov. 22
 7653 Community Sings No. 3 (10 min.)Nov. 29
 7854 Screen Snapshots No. 4 (9 m.).....Dec. 13
 7953 Morale's Copacabana Orch.—Film Vodvil
 (11 m.)Dec. 13
 7601 Catnipped—Flippy (7½ m.)Dec. 13
 7804 Mermaids' Paradise—Sports (9½ m.).....Dec. 20
 7654 Community Sings No. 4 (11 m.).....Dec. 20
 7601 Catnipped—Flippy (7½ m.)Jan. 15
 7855 Screen Snapshots No. 5Jan. 17
 7655 Community Sings No. 5Jan. 17
 7501 Rivver Ribber—Col. Rhap. (8 m.) (reset)...Jan. 31

Columbia—Two Reels

- 7432 A Miner Affair—A. Clyde (19 min.)Nov. 1
 7402 Micro-Phonies—3 Stooges (17 min.)Nov. 15
 7423 Calling All Fibbers—V. Vague (16½ min.) Nov. 29
 7433 High Blood Pressure—Schilling-Lane (19 m.)Dec. 6

7434 A Hit with a Miss—S. Howard (16 min.) ... Dec. 13
 7140 Who's Guilty?—Serial (15 episodes) ... Dec. 13
 7435 Spook to Me—A. Clyde (17 min.) ... Dec. 27
 7403 Beer Barrel Polecats—Stooges (17 m.) ... Jan. 10
 7436 The Blonde Stayed On—Andy Clyde (16½m) Jan. 24

Metro-Goldwyn-Mayer—One Reel

W-732 Wild and Woolfy—Cartoon (8 m.) ... Nov. 3
 K-772 Stairway to Light—Passing Parade (10 m.) Nov. 10
 K-773 People on Paper—Pas. Par. (10 min.) ... Nov. 17
 T-712 Merida and Campeche—Traveltalk (8 m.) ... Nov. 22
 S-753 Bus Pests—Pete Smith (9 min.) ... Dec. 1
 S-756 Badminton—Pete Smith (10 min.) ... Dec. 8
 K-774 The Golden Hunch—Pas. Par. (10 min.) Dec. 15
 W-733 Quiet Please—Cartoon (8 m.) ... Dec. 22
 S-754 Sports Stucklers—Pete Smith (10 min.) ... Jan. 5
 K-775 Magic on a Stick—Pas. Par. (9 min.) ... Jan. 19
 S-755 Gettin' Glamour—Pete Smith (7 min.) ... Feb. 2

Metro-Goldwyn-Mayer—Two Reels

A-701 A Gun in His Hand—Special (19 m.) ... Sept. 15
 A-702 Purity Squad—Special (20 m.) ... Nov. 3

Paramount—One Reel

R5-2 Paddle Your Own—Spotlight (9 m.) ... Nov. 9
 Y5-1 Animal-ology—Speak. of Animals (9 m.) Nov. 23
 E5-1 House Tricks—Popeye ... Nov. 2
 L5-1 Unusual Occupations No. 1 (10 m.) ... Nov. 9
 P5-1 The Friendly Ghost—Noveltoon ... Nov. 16
 D5-1 Man's Pest Friend—Little Lulu (7 m.) ... Nov. 30
 J5-2 Popular Science No. 2 (10 m.) ... Dec. 7
 U5-2 My Man Jasper—Puppctoon (7 m.) ... Dec. 14
 R5-3 Running the Team—Spotlight (9 m.) ... Dec. 14
 E5-2 Service with a Guile—Popeye ... Dec. 21
 P5-2 Old MacDonald's Farm—Noveltoon ... Dec. 28
 D5-2 Bargain Counter Attack—Little Lulu ... Jan. 11
 Y5-2 Hill Billies—Speak. of Animals ... Jan. 18
 R5-4 Good Dog—Spotlight ... Jan. 18
 U5-3 Olio for Jasper—Puppetoon ... Jan. 25
 E5-3 Klondike Casanova—Popeye ... Feb. 1
 J5-3 Popular Science No. 3 ... Feb. 8
 P5-3 Cheese Burglar—Noveltoon ... Feb. 22
 R5-5 Dixie Pointers—Spotlight ... Feb. 22

Paramount—Two Reels

FF5-1 Little Witch—Musical Parade (17 m.) ... Oct. 26
 FF5-2 Naughty Nannette—Musical Parade ... Dec. 28

Republic—Two Reels

484 Purple Monster Strikes—Morgan-Stirling
 (15 episodes) ... Sept. 29
 (End of 1944-45 Season)

Beginning of 1945-46 Season

581 The Phantom Rider—Serial (12 ep.) ... Jan. 26

RKO—One Reel

54117 Hockey Homicide—Disney (8 m.) ... Sept. 21
 54118 Cured Duck—Disney (7 m.) ... Oct. 26
 (End of 1944-45 Season)

Beginning of 1945-46 Season

64301 Athletic Items—Sportscope (8 m.) ... Sept. 7
 64201 Flicker Flashbacks No. 1 (7½ min.) ... Sept. 14
 64302 Battling Bass—Sportscope (8 min.) ... Oct. 5
 64202 Flicker Flashbacks No. 2 (7 m.) ... Oct. 19
 64303 Ten Pin Titans—Sportscope (8 m.) ... Nov. 2
 671 The House I Live In—Sinatra (10 min.) ... Nov. 9
 64203 Flicker Flashbacks No. 3 (7 m.) ... Nov. 23
 64304 Arcaro Up—Sportscope (8 m.) ... Nov. 30
 64101 Canine Patrol—Disney (7 m.) ... Dec. 7
 64102 Old Sequoia—Disney (7 m.) ... Dec. 21

RKO—Two Reels

63502 Sagebrush Serenade—Western Musical ... Oct. 26
 63101 Airline to Everywhere—This is America
 (17 m.) ... Nov. 16
 63202 Russian Dressing—Headliner Revival
 (18 m.) ... Nov. 23
 63503 Ranch House Romeo—Western Musical
 (reissue) (17 m.) ... Nov. 30
 63402 Mother-in-Law's Day—Ed. Kennedy (18m) Dec. 7
 63102 TVA—This is America (18 m.) ... Dec. 14

Twentieth Century-Fox—One Reel

6505 Who's Who in the Jungle—Gandy Goose—
 Terrytoon (7 m.) ... Oct. 19
 6254 Bountiful Alaska—Adventure (8 m.) ... Oct. 26
 6506 Mighty Mouse Meets Bad Bill Bunion—
 Terrytoon (7 m.) ... Nov. 9
 6352 Time Out for Play—Sports (8 m.) ... Nov. 16
 6507 The Exterminator—Gandy Goose—Terrytoon
 (7 m.) ... Nov. 23
 6255 Song of Sunshine—Adventure (9 m.) ... Dec. 7
 6508 Mighty Mouse in Krakatoa—Terrytoon ... Dec. 14
 6256 Louisiana Springtime—Adventure (8 m.) ... Dec. 21
 6509 The Talking Magpies—Terrytoon ... Jan. 4
 6257 The Lost Lake—Adventure (8 m.) ... Jan. 11
 6510 Svengali's Cat-Mighty Mouse—Terrytoon ... Jan. 18
 6301 Pins and Cushions—Sports ... Feb. 1
 6258 Along the Rainbow Trail—Adventure ... Feb. 15

Twentieth Century-Fox—Two Reels

Vol. 12 No. 3—18 Million Orphans—
 March of Time (17 m.) ... Nov. 2
 Vol. 12 No. 4—Justice Comes to Germany—
 March of Time (20 m.) ... Nov. 30
 Vol. 12 No. 5—Challenge to Hollywood—
 March of Time ... Dec. 28

Universal—One Reel

1344 Doctor of Paintings—Var. Views (9 m.) ... Nov. 5
 1365 Front Line Artist—Per. Odd. (9 m.) ... Nov. 12
 1345 Jungle Capers—Var. Views (9 m.) ... Dec. 10
 1321 The Loose Nut—Cartune (7 m.) ... Dec. 17
 1381 Sing and be Happy—Musical ... Feb. 18

Universal—Two Reels

1681-1693 The Royal Mounted Rides Again—Serial
 (13 episodes) ... Oct. 23
 1301 Solid Senders—Jan Garber—Musical (15m) Nov. 21
 1302 Hot & Hectic—Tommy Tucker—
 Musical (15 m.) ... Nov. 28
 1303 Synco-Smooth Swing—Ted Fio Rita
 —Musical (15 m.) ... Dec. 19
 1304 Cuban Madness—Carlos Molina—Musical
 (15 m.) ... Jan. 2
 1305 Tin Pan Alley Tempos—Phil Ohman—Musical
 (15 m.) ... Jan. 9
 1306 Melody Stampede—Spade Cooley—Musical
 (15 m.) ... Jan. 16
 1781-1793 The Scarlet Horseman—Serial (13 ep.) Jan. 22
 1307 Swing High Swing Sweet—Jan Savitt—Musical
 (15 m.) ... Feb. 20

Vitaphone—One Reel

2501 Sports Go to War—Sports (10 m.) ... Nov. 10
 2301 Sunbonnet Blue—Hit Parade (7 m.) ... Nov. 17
 2801 Fashions for Tomorrow—Adventure (10 m.) Nov. 17
 2404 So You Think You're Allergic—Varieties
 (10 m.) ... Dec. 1
 2604 Music of the Americas—Mel. Mas. (10 m.) ... Dec. 15
 2302 Lyin' Mouse—Hit Parade (7 m.) ... Dec. 22
 2303 Good Egg—Hit Parade (7 m.) ... Jan. 5
 2802 In Old Sante Fe—Adventure (10 m.) ... Jan. 12
 2405 Peaks at Hollywood—Varieties (10 m.) ... Jan. 26
 2605 Headline Bands—Mel. Mas. (10 m.) ... Jan. 26
 2502 Holiday on Horseback—Sports (10 m.) ... Feb. 2
 2304 Trial of Mr. Wolf—Hit Parade (7 m.) ... Feb. 9
 2503 Michigan Ski-Daddle—Sports (10 m.) ... Feb. 9

Vitaphone—Two Reels

2103 All Star Musical Revue—Feat. (14 m.) ... Nov. 3
 2104 Good Old Corn—Featurette (20 m.) ... Nov. 24
 2001 Frontier Days—Special (20 m.) ... Dec. 28
 2106 Hitler Lives?—Featurette (20 m.) ... Dec. 29
 2002 Forest Commandos—Special (20 m.) ... Jan. 19
 2105 Musical Shipmates—Featurette (20 m.) ... Feb. 16

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 65240 Wed. (E) ... Jan. 9
 65141 Sat. (O) ... Jan. 12
 65242 Wed. (E) ... Jan. 16
 65143 Sat. (O) ... Jan. 19
 65244 Wed. (E) ... Jan. 23
 65145 Sat. (O) ... Jan. 26
 65246 Wed. (E) ... Jan. 30
 65147 Sat. (O) ... Feb. 2

65248 Wed. (E) ... Feb. 6
 65149 Sat. (O) ... Feb. 9
 65250 Wed. (E) ... Feb. 13
 65151 Sat. (O) ... Feb. 16
 65252 Wed. (E) ... Feb. 20
 65153 Sat. (O) ... Feb. 23

Fox Movietone

36 Thurs. (E) ... Jan. 3
 37 Tues. (O) ... Jan. 8
 38 Thurs. (E) ... Jan. 10
 39 Tues. (O) ... Jan. 15
 40 Thurs. (E) ... Jan. 17
 41 Tues. (O) ... Jan. 22
 42 Thurs. (E) ... Jan. 24
 43 Tues. (O) ... Jan. 29
 44 Thurs. (E) ... Jan. 31
 45 Tues. (O) ... Feb. 5
 46 Thurs. (E) ... Feb. 7
 47 Tues. (O) ... Feb. 12
 48 Thurs. (E) ... Feb. 14
 49 Tues. (O) ... Feb. 19
 50 Thurs. (E) ... Feb. 21

News of the Day

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 236 Thurs. (E) ... Jan. 10
 237 Tues. (O) ... Jan. 15
 238 Thurs. (E) ... Jan. 17
 239 Tues. (O) ... Jan. 22
 240 Thurs. (E) ... Jan. 24
 241 Tues. (O) ... Jan. 29
 242 Thurs. (E) ... Jan. 31
 243 Tues. (O) ... Feb. 5
 244 Thurs. (E) ... Feb. 7
 245 Tues. (O) ... Feb. 12
 246 Thurs. (E) ... Feb. 14
 247 Tues. (O) ... Feb. 19
 248 Thurs. (E) ... Feb. 21

Paramount News

36 Thurs. (E) ... Jan. 3
 37 Sunday (O) ... Jan. 7
 38 Thurs. (E) ... Jan. 10
 39 Sunday (O) ... Jan. 13
 40 Thurs. (E) ... Jan. 17
 41 Sunday (O) ... Jan. 20
 42 Thurs. (E) ... Jan. 24
 43 Sunday (O) ... Jan. 27
 44 Thurs. (E) ... Jan. 31
 45 Sunday (O) ... Feb. 3
 46 Thurs. (E) ... Feb. 7
 47 Sunday (O) ... Feb. 10
 48 Thurs. (E) ... Feb. 14
 49 Sunday (O) ... Feb. 17
 50 Thurs. (E) ... Feb. 21

Universal

464 Thurs. (E) ... Jan. 3
 465 Tues. (O) ... Jan. 8
 466 Thurs. (E) ... Jan. 10
 467 Tues. (O) ... Jan. 15
 468 Thurs. (E) ... Jan. 17
 469 Tues. (O) ... Jan. 22
 470 Thurs. (E) ... Jan. 24
 471 Tues. (O) ... Jan. 29
 472 Thurs. (E) ... Jan. 31
 473 Tues. (O) ... Feb. 5
 474 Thurs. (E) ... Feb. 7
 475 Tues. (O) ... Feb. 12
 476 Thurs. (E) ... Feb. 14
 477 Tues. (O) ... Feb. 19
 478 Thurs. (E) ... Feb. 21

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 168 Friday ... Jan. 9
 169 Friday ... Jan. 12
 170 Friday ... Jan. 25
 171 Friday ... Feb. 1
 172 Friday ... Feb. 8
 173 Friday ... Feb. 15
 174 Friday ... Feb. 22

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Vol. XXVIII

SATURDAY, JANUARY 12, 1946

No. 2

TINGING THE VARIETY CLUBS OF AMERICA WITH COMMERCIALISM

Under date of December 18, Robert J. O'Donnell, National Chief Barker of the Variety Clubs of America, has sent a circular letter the purpose of which is to boost the Silver Anniversary of Columbia Pictures.

"Columbia Pictures," says the circular addressed to all the Variety Club Tents in the United States, "celebrates its Silver Anniversary in 1946—and they have desired a plan whereby the eyes of the industry—and the attention of your local civic leaders may be focused on YOUR Variety Club. . . .

"This is, we believe, an excellent opportunity for us, through the Columbia Anniversary, to secure some GOOD PUBLIC RELATIONS.

"The suggested procedure is: Each Variety Club in an Exchange Center will sponsor a very important dignified dinner. Local dignitaries—civic leaders and city councilmen will be invited. . . .

"At this dinner, the Industry's war record will be cited, special tribute will be paid to the role of the exhibitor in the war—the civic activities of the Variety Club—will all be brought to the attention of those present. Briefly, tribute will be paid to the Industry as symbolized by Columbia Pictures 25th Anniversary.

"This is a splendid opportunity to bring the Story of Variety—and the Industry—to those outside our Industry—for representatives from all phases of business, schools, and clubs will be present.

"If you would like for your Variety Club to participate and sponsor such an event—please let us know . . . we will forward you plans in greater detail.

"I, personally, feel this is a splendid opportunity for Variety to establish an important niche for itself in the Community . . . and believe that much prestige will be the result of this event—which will be handled with great dignity."

The founding of the Variety Clubs was an inspiration on the part of a handful of Pittsburgh men engaged in the show business. They had found a baby abandoned in the foyer of one of the theatres in that city and they decided to rear that baby.

Beginning with this compassionate gesture, the idea soon spread and today there is a Variety Tent in twenty-six exchange centers in the country.

The charitable spirit of the Variety Clubs has been maintained unsullied until December 18, when Bob O'Donnell undertook to lend its beautiful name to commercialism—to advertise a film company.

Who sold Bob O'Donnell a bill of goods? Did he think of what he started when he opened the doors of this charitable organization to sordid commercialism? Let's look into the matter:

Other film companies will be celebrating, in one form or another, some sort of anniversary. Is Mr. O'Donnell going to offer the name of Variety Clubs to advertise these companies? He cannot deny it to them, unless he wants to show partiality. And if he should offer the facilities of the Variety Tents to every film company, what becomes of the charitable spirit of this institution?

And why should Columbia, or any other film company for that matter, be permitted to cash in on the industry's overall war effort—an effort that is representative of every branch in the industry? The other distributors, the producers, the exhibitors, the actors, the writers, the technicians, and every other component part of the motion picture industry spent many hours and much money to help win the war, and any attempt to arrange a tribute to their efforts "as symbolized by Columbia Pictures 25th Anniversary" would be a flagrant depredation of the credit that is due to each of these groups.

This paper ventures to say that Bob O'Donnell will find great opposition to his idea among the Variety Tents he heads. There are members who are guarding the spirit of this institution as they are guarding the pupils of their eyes—they do not want and will not permit this charitable institution to degenerate into an advertising agency.

The writer, being a member of the Variety Clubs, resents the prostitution of the spirit of this institution and protests against the use of it in the manner that Mr. O'Donnell proposes.

THE DEFENDANTS FILE THEIR BRIEFS

On Monday of this week, the defendant distributors in the New York anti-trust suit filed their final briefs with the Court. There remains now the hearing of oral arguments, which is scheduled to take place before the three-judge statutory court on January 15.

In addition to filing individual briefs, the five theatre-owning companies filed also a joint brief. Of the "Little Three," Universal and United Artists filed a joint brief, while Columbia submitted a separate brief.

The joint brief of the "Big Five" concerns itself mostly with arguments of law, through which it is asserted that the Government has failed to prove its
(Continued on last page)

"The Spiral Staircase"
with Dorothy McGuire, George Brent
and Ethel Barrymore

(RKO, no release date set; time, 83 min.)

Very good! Produced with care, directed with intelligence, and acted competently by an impressive cast, this gripping murder-mystery melodrama offers thrills and suspense in a manner that is sure to hold mass as well as class audiences engrossed. The settings, lighting, photography and music are of considerable aid in creating a tense atmosphere, putting the spectator in a receptive mood for a story of this type. The central figure in the plot, which revolves around a mysterious, maniacal murderer, whose victims are women with physical handicaps, is Dorothy McGuire, who enacts the role of a mute housemaid. She gives an exceptionally good performance, succeeding in making the audience understand her every thought, although she does not utter a single word until the final scene, where she regains her voice. The closing situations, where Miss McGuire is pursued by the murderer, narrowly escaping death, are terrorizing. The setting is a small New England town in 1906:—

Following the murder of a crippled girl, the third unsolved killing in town, Dorothy is warned by Ethel Barrymore, her aged invalid mistress, to leave the house. The crochety old woman spoke often of her late husband, who admired strength and despised weakness, claiming that he would have been disappointed in his two sons, Professor George Brent and Gordon Oliver, both occupants of the house. Oliver, who was infatuated with Rhonda Fleming, Brent's seductive secretary, quarrels with her, and later, when she goes to the cellar to get her suitcase to leave the house, she is strangled to death. Dorothy finds her body under circumstances that convince her of Oliver's guilt and, through a ruse, she succeeds in locking him in a closet. She rushes to Brent for aid, but the professor, coolly revealing himself to be the murderer, informs her that there was no room in the world for the weak and imperfect, and prepares to kill her. Terror-stricken, Dorothy manages to elude him for a time, but he eventually corners her. Miss Barrymore, having overheard the commotion, comes out of her room and shoots him dead, only to collapse and die herself. The shock causes Dorothy to regain her voice, enabling her to go away with Kent Smith, a young doctor, who had long been in love with her.

Based on the novel "Some Must Watch," the screen play was written by Mel Dinelli. Dore Scharly produced it, and Robert Siodmak directed it. The cast includes Elsa Lanchester, Sara Allgood, Rhys Williams, James Bell and others.

Too terrifying for children.

"Because of Him" with Deanna Durbin,
Charles Laughton and Franchot Tone

(Universal, Jan. 18; time, 87 min.)

This comedy with some music tries hard to be light and clever, but it never quite makes the grade; at best, it is only moderately amusing, and many picturegoers may find it tiresome. The story is silly, even irritating, and for the most part the comedy situations fail to "click." The three leading players struggle valiantly with the material, but there is not much that they can do to awaken interest in the artificial story. The Deanna Durbin fans may be disappointed, for her singing is kept to a minimum. The few songs she does sing are, however, the films most entertaining moments:—

Deanna, a stage-struck waitress, idolizes Charles Laughton, a noted middle-aged actor, and secures his autograph prior to his leaving town on a vacation. Actually, Deanna had tricked him into signing a letter of introduction to Stanley Ridges, his manager, praising her acting ability. Assuming that Laughton wanted Deanna as his new leading lady, Ridges gives a party in Laughton's apartment to introduce her to the press. Laughton, returning unexpectedly, arrives at his apartment to discover the party in full blast. To save Deanna embarrassment, he does not reveal her hoax to the press, but later, when he escorts her home, he advises her to forget her acting ambitions. Determined not to let Laughton dispose of Deanna easily, Helen Broderick, her roommate, notifies the newspapers that Deanna had attempted suicide because of a lover's quarrel with Laughton. The actor, chagrined, finds himself compelled to offer Deanna the lead in his show lest he receive unfavorable publicity. Meanwhile Franchot Tone, the play's author, learns of Deanna's inexperience and refuses to accept her, but Deanna's personality and singing talent soon wins him over. He falls in love with her but becomes resentful when Laughton, too, shows signs of affection, leading him to believe that she had resorted to trickery to secure the lead. Tone's jealousy results in a quarrel between Laughton and himself. He resigns as stage director and orders his name removed from the play. On opening night, Tone, unable to resist watching Deanna act, stands in the wings. Deanna scores a success, and Laughton, noticing Tone in the wings, alters the closing lines of the play in a manner that leads Deanna into Tone's arms.

Edmund Beloin wrote the screen play, Felix Jackson produce it, and Richard Wallace directed it. The cast includes Donald Meek and others.

Unobjectionable morally.

"Abilene Town" with Randolph Scott
and Ann Dvorak

(United Artists, Jan. 11; time, 88 min.)

A fairly good Western. Dealing with a conflict between homesteaders, who sought to establish farms on Government lands in Kansas during 1870, and cattlemen, who were determined to keep the land an "open range," the story is for the most part interesting, and since the action is fast-moving one's attention is held well. The Western fans in particular will find it to their liking, for it has all the ingredients that appeal to them—a courageous marshal who outwits the villains, bringing law and order to the community, good horseback riding, shooting, and exciting brawls. As for others, there is a generous sprinkling of comedy, a few musical interpolations, and romantic interest. Randolph Scott plays the fearless marshal with conviction:—

As marshal of Abilene, Kansas, Scott has his hands full keeping law and order in a town divided within itself; on one side of the main street were saloons and gambling palaces catering to cattlemen, and on the other side were the stores of the town's merchants—the permanent population—who wished for order to prevail, but who feared that the homesteaders would eliminate the cattlemen, spelling economic disaster for themselves. Ann Dvorak, a dance hall queen, who loved Scott, constantly battles with him because he exposed himself to danger, and Rhonda Fleming, a merchant's daughter, who, too, loved Scott, feared that his job would one day cost him his life. To discourage the homesteaders from settling on the "open

range," the cattlemen, headed by Dick Curtis, burn out their camp and kill several persons. Lloyd Bridges, youthful leader of the homesteaders, convinces his followers that they must block the cattle trail with barbed wire to make the country safe for them and their families. This action incurs the wrath of the cattlemen, causing them to stampede their herds through the wire. Scott, realizing that the time for a showdown had come, convinces the merchants that it would be to their ultimate benefit to support the homesteaders and to drive the lawless element away from the town. Keeping his forces in check, Scott permits the cattlemen to riot and wreck their own side of the street before he attempts to arrest Curtis. The cattle baron resists and is slain by Scott. Confused by the loss of their leader, and by Scott's cool but determined warning that they leave immediately, the cattlemen ride out of town quietly. With law and order restored to the town, it all ends with Ann in Scott's arms, and with Rhonda in Bridges' arms.

Harold Shumate wrote the screen play from the novel "Trail Town" by Ernest Haycox, Jules Levey produced it, and Edwin L. Marin directed it. The cast includes Edgar Buchanan, Helen Boice, Howard Freeman and others.

**"Whistle Stop" with George Raft,
Victor McLaglen and Ava Gardner**
(United Artists, Jan. 25; time, 85 min.)

A somber, unpleasant crime melodrama. There is little to recommend it as entertainment, for its story about the seamy side of life in a small town is sordid as well as hackneyed, and not one of the characters is sympathetic. The hero is a shiftless gambler with no redeeming features, and the heroine, a woman of questionable background, plays him against a shady bistro owner to win his love. Another drawback, insofar as the masses is concerned, is the slow-moving action. Low-key photography and subtle directorial touches have been resorted to in an effort to give the proceedings tenseness and meaningness, but the picture on the whole is so confused and vague that it fails either to excite one or to hold one's interest:—

After an absence of two years in a big city, Ava Gardner returns to her "whistle stop" home-town to take up her romance with George Raft, a shiftless but handsome fellow. Keenly disappointed to find that Raft had not changed his ways, Ava permits Tom Conway, a night-club owner, to resume the lavish attentions he had once paid her. Raft, in love with Ava, realizes that he must have money in order to win her. Accordingly, he falls in with a plan proposed by Victor McLaglen, Conway's ex-convict bartender, who suggests that they waylay Conway, and rob and kill him. Ava, learning of the plot, prevents its consummation and induces Raft to accept a job at honest labor. Conway, insanely jealous over Raft's winning of Ava, and suspicious of the attempt made on his life, engineers an elaborate trap to dispose of Raft and McLaglen. He stages a fake robbery at his cafe, murders his "bouncer," then invites Raft and McLaglen to come to the cafe for a friendly chat. He sets off a burglar alarm as they arrive, forcing both to flee from the police as murder suspects. In the chase that follows, Raft is wounded badly, but he and McLaglen manage to escape on a freight train to St. Louis, where both are given refuge in the home of a friend. McLaglen, to disprove Raft's accusation that he was a double-crosser, in league with Conway, returns to town alone and, after furnishing Ava with

evidence to clear Raft, visits Conway at the cafe. They kill each other in the ensuing fight. Raft's name cleared, Ava entrains for St. Louis to start life with him anew.

Philip Yordan wrote the screen play from the novel by Maritta M. Wolff, Seymour Nebenzal produced it, and Leonide Moguy directed it. The cast includes Jorja Curtright, Florence Bates and others.

Unsuitable for children.

**"My Reputation" with Barbara Stanwyck
and George Brent**

(Warner Bros., Jan. 26; time, 94 min.)

A powerful romantic drama, with a particular appeal for women. It will probably do outstanding business, for it is the sort of picture your patrons will recommend to their friends after leaving the theatre. Dealing with the dilemma of an attractive young widow, who, seeking to make a new life for herself, finds herself torn between love for a kind-hearted, handsome army officer, and her two schoolboy sons' attitude toward her desire for him, the story is one that constantly plays on the emotions, often bringing forth tears. Barbara Stanwyck, as the widow, is superb; she wins the spectator's unbounded sympathy by her devotion to her children and by the manner in which she conducts herself, despite malicious gossip about her romance with George Brent, the officer. The elegantly mounted production, the capable performances, and the intelligent direction make it a drama of distinction:—

Grief-stricken over the sudden death of her husband, Barbara, a charming cultivated young woman, finds her life made more difficult by her domineering mother (Lucille Watson), who insists that she wear mourning clothes and lead the life of a recluse. Barbara resists her mother and devotes herself to her two sons (Scotty Beckett and Bobby Cooper). Engulfed by loneliness when the boys go off to school, Barbara accepts an invitation from friends to spend a week-end at a winter resort. There she meets Brent, who wastes no time pressing his attentions on her. Her stand-offishness causes a quarrel between them, but weeks later, when they meet again in Chicago, Barbara drops her reserve and they soon become deeply attached, despite Brent's assertion that he was not the marrying sort. They have a gay time in the weeks that follow, with Barbara ignoring her mother's unwarranted protests, and dismissing blithely malicious gossip by family friends about her affair with Brent. Eventually, her sons overhear the gossip and confront her with it. When she refuses to make denials, they believe the gossip to be true. That night, New Year's Eve, Barbara learns that Brent had to leave for New York on orders to go overseas. She decides to accompany him, and informs her sons of her decision. Disillusioned, they run away to their grandmother's home. Barbara rushes there and, after pouring out her heart to them, wins back their love and understanding. She keeps her rendezvous with Brent at the railroad station, but informs him of her decision to remain at home with her boys. Brent, appreciative of her dilemma, asks her to marry him when he returns from overseas.

Catherine Turney wrote the screen play from the novel "Instruct My Sorrows" by Clare Jaynes. Henry Blanke produced it, and Curtis Bernhardt directed it. The cast includes Warner Anderson, John Ridgely, Eve Arden, Esther Dale, Jerome Cowan and others.

Unobjectionable morally.

charges of monopoly in the distribution and exhibition of motion pictures. The brief's introduction maintains that "motion picture distributors are free to choose their customers in accordance with their own notions of self-interest; to license their products in any lawful manner designed to assure them the largest reward and to maintain the stability of their enterprises by embarking on any business authorized by their charters, including the ownership and operation of theatres, upon which their stockholders are willing to hazard their capital. The right to choose customers includes the right to choose them arbitrarily. . . ."

The "Big Five's" denial of the Government's charges is treated in the brief by means of two major points. In the first point it is argued that "the license agreements used in the industry are lawful," and the brief then goes into a discourse of the necessity and of the legality of runs, clearance agreements, percentage licenses, and the specifying of minimum admissions prices during the exhibition of the particular picture or pictures licensed.

In the second point it is argued that the theatre-owning companies, "each independently engaged in producing and distributing motion pictures, are entitled as a matter of law to own theatres exhibiting pictures to the public"; that "competition in both distribution and exhibition is substantially increased, rather than diminished, by a theatre exhibiting the pictures of more than one distributor"; that "five wholly autonomous companies cannot be treated 'collectively' to establish a Sherman Act violation"; that "a definite agreement to restrain trade or to monopolize must be established, either by evidence of an actual agreement or by proof of circumstances from which such an agreement may be properly inferred"; that "separate license agreements of two or more distributors with a theatre operated by either an independent or by one affiliated with a distributor, are not, in and of themselves, circumstances from which collective action to monopolize can be inferred"; that "cross-licensing," as used in this case, is but an empty catchword, not establishing 'collective' action"; that "there is in this case no evidence of exclusion or discrimination from which an agreement to restrain trade is to be inferred"; that "the Government has failed to sustain its burden of proving circumstances from which an inference of agreement to restrain trade may be properly drawn"; that "divestiture is a wholly unwarranted remedy in the case at bar"; that "to grant this blanket indiscriminate relief would be an act not warranted by evidence of existing wrongs"; and that "the relief of divestiture has no relation to the matters complained of."

In the joint brief submitted by Universal and United Artists, and in the separate brief filed by Columbia, these companies answer the Government's charges against them, and defend their operations as not being in violation of the Sherman Act.

In addition to the aforementioned briefs, the "Big Five," on January 2, filed with the Court a separate brief dealing with the decisions in arbitration proceedings under the Consent Decree.

As was reported in the October 20 issue of this paper, the government during the trial offered as evidence of anti-trust violations certain arbitration cases

and Appeal Board decisions. The theatre-owning distributor-defendants, through their battery of lawyers objected vehemently against the admission of arbitration proceedings as evidence of violations, but the Court, after taking the question under advisement, overruled their objections.

At that time it was evident that the "Big Five" considered it most important to keep this evidence relating to arbitration out of the case, and it was deemed a blow to their defense when the Court decided to accept the evidence. Now again their great concern about this evidence is manifest in the fact that they took pains to prepare a separate brief, consisting of 111 pages, dealing with only the one subject—the Consent Decree and the arbitration decisions under it.

The brief defends the Consent Decree and the operation of its arbitration machinery, and it challenges the Government's allegation that the decree is inadequate to give the relief that the Sherman Act requires. Maintaining that Government counsel agreed to all provisions of the decree when it was submitted to the Court in 1940 for approval, the brief asserts that "the unjustified attempt by present counsel for the Government to minimize the importance of the decree . . . deserves nothing but criticism."

Most of the brief is devoted to a separate analysis of each of the arbitration proceedings that had been received in evidence by the Court, and the remainder concerns itself with a brief history of the Consent Decree, with arguments of law stressing the legality of its provisions, and with a restatement of the defendants' objections relative to the admissibility of the arbitration decisions as evidence of anti-trust violations.

The conclusions reached by the brief are as follows:

"1. The arbitration system has been efficiently and impartially administered. (*Ed. Note: The Government's brief specifically concedes that it has no complaint on this score*).

2. The arbitration system is an efficacious method of settling industry disputes.

"3. If there are any real defects in the system, due to the limitations on the scope of the arbitration, they are subject to cure by revision of existing provisions.

"4. Even if the facts recited in the opinions were proved as facts in this case, they do not establish any violation of law, nor do they show any consistent pattern of discrimination against any class of exhibitors.

"5. The number of arbitrations instituted, 400 and the many thousands of contracts entered into since the entry of the decree, out of the total number of theatres in the country, 18,000, shows that there does not exist in the industry widespread claims of discrimination and unfairness. Indeed, we think it is most significant that the scope of the relief which most of the complaints have sought was not a striking down of the essential methods of doing business but, rather, only some particular amelioration of their individual playing position."

And now the industry must wait until January 15, for the oral argument, at which time the Government will undoubtedly point out to the Court its views on the shortcomings and weaknesses of the arguments contained in the aforementioned briefs.

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MORE ABOUT THE PROPOSED NEW NATIONAL EXHIBITOR ORGANIZATION

Despite the conspicuous absence of genuine independent exhibitor support, the proponents of the new national exhibitor organization, which is to be known as the Theatre Activities Committee of the Motion Picture Industry, are determined that the new setup shall come into being.

At a meeting in New York two weeks ago, the Interim Committee appointed to form the new association voted to hold the first convention in St. Louis early in April, at which time will be made a formal bid for national exhibitor support. Delegates to the convention will be selected by states.

The meeting of the Interim Committee was closed to the press, but, according to a report in *Motion Picture Herald*, field meetings will be called by the exhibitor chairmen of the War Activities Committee in each exchange center for the selection of a delegate from each state. Where more than one exchange area is located in a state, one delegate shall be chosen for each such area. Each state, however, will have a delegate regardless of whether it has a film exchange.

Meanwhile the Conference of Independent Exhibitor Associations, which is comprised of twenty-two independent exhibitor organizations, has steadfastly refrained from participating in the new association's formation.

As it has already been stated in these columns, the proponents of the new organization are comprised mostly of men whose interests are either directly or indirectly connected with the theatre-owning producers, and what they propose to form would, in effect, be another Motion Picture Theatre Owners of America.

Accordingly, one begins to wonder if there isn't a method in the determination of these proponents to form another organization. Can it be that this determination is in some way related to the major companies' plans for the future of MPTOA, the organization that is subsidized and controlled by them? The developments should be interesting.

WILL THE PRODUCER-DISTRIBUTORS FOLLOW THE EXAMPLE SET BY THEIR LEADER?

Among the principal features of the new tax law that went into effect on January 1 are the elimination of the 85½ per cent excess profits tax on corporations, and the provision that taxable income for corpora-

tions with net profits exceeding \$50,000 becomes subject to tax at rates not exceeding 38 per cent. It is estimated that these reductions, as well as others included in the law, will reduce by \$3,136,000,000 the amount of Federal taxes to be paid to the Treasury by business firms.

Recently, Eric A. Johnston, president of the Motion Picture Association (formerly the MPPDA), who owns a number of electrical equipment manufacturing plants in the State of Washington, announced a plan whereby the employees of his companies would share in 25 per cent of the net profits before taxes. Terming this move as his solution of the problem of "industrial democracy," Mr. Johnston said: "We have political democracy and so we must have democracy for industry to make workers feel that they are a part of management and that they have a voice in what is going on."

Since the motion picture industry, particularly the producer-distributors who are members of the association that Mr. Johnston heads, will benefit greatly by the aforementioned tax reductions, one is prompted to ask if Mr. Johnston might not try to imbue his member companies with his commendable philosophy of live-and-let-live. The tremendous increased profits that will undoubtedly accrue to the producer-distributors as a result of the new tax reductions will place them in a position where they could readily afford to share their good fortune with their customers, the exhibitors, through the medium of sorely needed reductions in film rentals. The lowering of film rentals would indeed be a form of profit-sharing, and it would go far in bringing to the motion picture industry the sort of democracy that Mr. Johnston speaks about.

Mr. Johnston has set the example in the electrical equipment field. Will the producer-distributors follow this example in the motion picture field?

ONLY GOOD PICTURES WILL DO BUSINESS

"Hitting a new boxoffice high in the first five weeks of its playing time," declares an RKO publicity release, "The Bells of St. Mary's" . . . promises to outgross any other picture ever produced. This amazing record is proof that the expected post-war attendance slump will not take place as long as the public can buy top-notch film entertainment, in the opinion of Ned Depinet, RKO Radio president."

If the phenomenal business done by this picture is to serve as proof that no post-war attendance slump
(Continued on last page)

"Breakfast in Hollywood" with Tom Breneman and Bonita Granville

(United Artists, Feb. 22; time, 93 min.)

Good entertainment! The story is simple, yet charming, and it has plentiful human appeal, romantic interest, and comedy; it is certain to entertain all those who will see it, for it comes as a welcome relief from the heavy type of pictures some of the other companies are producing. Based on the popular audience-participation radio show of the same title, the action revolves around Tom Breneman, the show's genial master of ceremonies, and it depicts a day in his life, during which time his activities include everything from staging his radio show to playing cupid to a young couple and humoring gentle old ladies. Breneman, who plays himself, has a fine screen personality; his naturalness and good humor endear him to the audience. Considering the fact that the story is light, much credit is due Robert S. Golden, the producer, and Harold Schuster, the director, for its consistently entertaining and refreshing quality. Worked into the proceedings to good effect are a number of musical highlights, featuring Spike Jones and His City Slickers, the King Cole Trio, and Andy Russell, the popular "crooner."

The story opens with a re-enactment of Breneman's radio show, during which he meets Bonita Granville, a Minneapolis girl, who had come to Hollywood to meet her sailor sweetheart; Edward Ryan, an honorably discharged sailor not yet out of uniform; Zazu Pitts, a middle-aged spinster, whose secret ambition was to win the radio show's "screw" hat contest and be kissed by Breneman; Beulah Bondi, a gentle, elderly widow, who sought to win an orchid as the show's oldest guest; and Billie Burke, a drab, timid housewife, whose husband, Raymond Walburn, was a philanderer. Outside his radio work, Breneman concerns himself chiefly with patching up the broken romance between Bonita and Ryan, who had fallen in love after she discovered that her boy-friend had jilted her. He participates also in other good deeds, such as instilling Miss Bondi with a desire to live after she had been injured seriously in an accident; indirectly helping Miss Burke to win her straying husband back into the fold; and satisfying Miss Pitts by trying on her hat and kissing her.

On the whole, the picture gives one a pleasant feeling throughout, and since human interest is what most people want in their entertainment "Breakfast in Hollywood" is destined to make a success.

Earl W. Baldwin wrote the original story and screenplay.

"Behind Green Lights" with Carole Landis and William Gargan

(20th Century-Fox, Feb.; time, 64 min.)

This mixture of crooked politics, blackmail, and murder mystery is a fair program entertainment. In spite of the fact that the story is far-fetched and quite involved, it should satisfy the indiscriminating followers of this type of melodrama, for it has a fair share of suspense, and the murderer's identity is concealed until the end. Most patrons, however, will have little trouble identifying the killer after the first few reels. The action, most of which takes place within twelve hours at police headquarters, is fast, and in a few situations exciting. There is some slight comedy relief, but the romantic interest is unimportant:—

The murder of a blackmailer, whose body is found in front of police headquarters, convinces Lieutenant William Gargan that, with the mayoralty election only a few days away, some one was trying to discredit the police and the city officials. Searching through the dead man's effects, Gargan discovers that Carole Landis, daughter of the reform candidate, had visited the dead man's apartment that night. He questions Carole and, though she admits having gone to the apartment to recover some important documents, she denies the commission of the murder. Roy Roberts, an opposition political boss, brings pressure on Gargan to book Carole for murder in order to discredit her father, hinting that it would help him to become chief of police. But Gargan refuses. Through Mary Anderson, the dead man's estranged wife,

and Charles Russell, her attorney and sweetheart, Gargan uncovers evidence proving that the blackmailer had been poisoned and shot after death. The discovery leads him to suspect Don Beddoe, his medical examiner, who had failed to note this information on his report. After a series of incidents, in which Roberts unsuccessfully tries to have the blackmailer's body removed from headquarters, Gargan, through Mabel Paige, an old flower woman, discovers that Beddoe had visited the dead man's apartment that night. The information enables him to reconstruct the crime and to prove that Beddoe had committed the murder under Roberts' orders.

W. Scott Darling and Charles G. Booth wrote the screen play, Robert Bassler produced it, and Otto Brower directed it. Unobjectionable morally.

"Scarlet Street" with Edward G. Robinson, Joan Bennett and Dan Duryea

(Universal, Dec. 28; time, 102 min.)

The advance publicity this picture has received as a result of the censorship ban against it in New York State and in Minneapolis will, no doubt, cause it to draw large crowds, but it will prove a disgrace to the industry. It is strictly adult entertainment, and definitely not for the family trade. From an artistic point of view, the screen play, production, direction, and acting are of the highest order. Those who can stand strong melodrama should find it extremely fascinating, for its tale about a mild-mannered, middle-aged cashier, whose naive involvement with an unscrupulous prostitute and her vile procurer drive him to robbery and murder, is a masterful piece of story construction, charged with suspense and filled with intriguing situations from beginning to end. But for sordidness, brutality, and a display of man's basest passions, it is unsurpassed. As a matter of fact, it flouts openly the principles of objective morality and the boundaries of good taste as established by the Production Code.

In the development of the story, Edward G. Robinson, a timid cashier, makes the acquaintance of Joan Bennett when he encounters her on the street struggling with a bully (Dan Duryea), whom he chases away. Without revealing that Duryea was her boy-friend, Joan, a woman of questionable morals, accepts Robinson's offer to see her home safely and leads him to believe that she was an unemployed actress. She mistakenly believes him to be a wealthy artist when he tells her that he painted for a hobby. On the following day, Duryea, upon learning about Robinson from Joan, conspires with her to make the timid man fall in love with her in a plot to milk him of his money and to induce him to install her in a swanky apartment. Robinson, tired of his shrewish wife (Rosalind Ivan), who objected to his painting, falls easy prey to Joan's wiles and steals money from his firm to rent an apartment. He moves all his paintings there, and continues to steal to satisfy her demands, unaware that she was giving the money to Duryea and using the apartment to carry on her affair with him. When Duryea presses Joan for more money, she lets him sell a few of Robinson's unsigned paintings. They create a sensation in the art world, and through Duryea's shrewd manipulations Joan is credited as the artist. Robinson, pleased that his work had been recognized, allows her to take the credit. One night, after Robinson discovers that his wife's former husband, believed dead, was alive, he rushes to the apartment to tell Joan the good news only to find her in Duryea's arms. Dejected, he leaves the apartment but returns later and stabs her to death. Duryea is arrested for the crime and, through Robinson's false testimony, is convicted and electrocuted. Meanwhile Robinson loses his job when his thievery is discovered. He goes to pieces, mentally and physically, and tries to commit suicide, but the attempt is thwarted. Years later, he is shown as a derelict, known to the police as a mental degenerate who was trying to give himself up for a crime he did not commit.

Dudley Nichols wrote the screen play, and Fritz Lang produced and directed it. The cast includes Margaret Lindsay, Samuel S. Hinds, Jess Barker, Vladimir Sokoloff and others.

*See pages 16 and 20.

"Tomorrow is Forever" with Claudette Colbert, George Brent and Orson Welles

(RKO, no release date set; time, 105 min.)

Good. Well produced and skillfully performed, this human-interest drama offers entertainment of a quality that should appeal particularly to women. Many of the situations stir one's emotions deeply, but on the whole the story fails to attain the strong dramatic climaxes that the material offered. The action is rather slow, since the story progresses through talk instead of through motion, but one's interest never lags, for one follows with sympathetic understanding the emotional problems of the leading characters. The picture has good box-office possibilities because, first, of the players' popularity, and secondly, of the fact that the story has been widely read as a magazine serial and as a novel:—

Shortly after the Armistice of 1918, and prior to the birth of her son, Claudette Colbert is notified that her husband (Orson Welles) was missing in action. George Brent, her employer, befriends her, and six months after her child is born she marries him. Meanwhile Welles was alive; his identification tag had been shot away when he was wounded severely, and rather than return to Claudette a cripple, he chose to conceal his identity and to remain abroad. Twenty years later, on the eve of World War II, Welles returns to America and, by an ironical twist of fate, is employed by Brent as a chemist. Completely unaware that Brent was married to Claudette, Welles discovers this fact when he visits Brent's home on a business matter. Claudette, however, does not recognize him, because plastic surgery and a beard had changed his features. He learns also that Claudette was the mother of two sons, the eldest, Richard Long, being his own, a fact unknown to the boy. Realizing that Claudette was married happily, Welles hides his emotions. Claudette, however, finds reason to suspect his identity and presses him for an admission, but Welles denies her suspicions and urges her to forget the past and enjoy her happiness with Brent. Meanwhile Richard, a headstrong boy, expresses a desire to join the RAF. When Claudette, terrified, refuses her permission, the boy runs away from home. Welles brings him back from the railroad station, and convinces Claudette that Richard must leave with her blessing. The circumstances under which Welles effects the reconciliation between mother and son taxes his broken health and brings about his death. But before he dies he destroys all evidence of his identity in order to insure Claudette's happiness.

Lenore Coffee wrote the screen play, David Lewis produced it, and Irving Pichel directed it. The cast includes Lucile Watson, Natalie Wood, Sonny Howe and others. Unobjectionable morally.

"Shock" with Vincent Price and Lynn Bari

(20th Century-Fox; Feb.; time, 70 min.)

An impressive program psychological melodrama, centering around a psychiatrist, who, to prevent an overwrought woman patient from unmasking him as a murderer, attempts to keep her in an unbalanced state of mind. The story is interesting, and the direction and acting are good. But, as is the case with most pictures dealing with human suffering, whether physical or mental, it is not a cheerful entertainment. An unpleasant feature is the added touch of brutality in which the psychiatrist tries to kill his patient by an overdose of insulin; her suffering is so realistic that squeamish patrons may be sickened. Although the action moves at a slow pace, it is charged with considerable suspense throughout. Vincent Price, as the doctor, is convincing:—

Pacing distractedly in her hotel room while awaiting her husband's momentary return from overseas, Marjorie Henshaw walks out on the balcony and sees Price murder his wife during a quarrel. The shock proves so great that she lapses into a state of amnesia. Frank Latimore, her husband, finds her in that condition and summons the hotel doctor, who suggests that Price, an eminent psychiatrist, take charge of the case. A quick resume of the situation convinces Price that Marjorie had witnessed his crime. He orders

her moved to his private sanatorium in the suburbs, and there, through hypnosis, he makes her repeat what she had seen. Disturbed, Price confides his predicament to Lynn Bari, his private nurse, with whom he was having a love affair. Together they plot to destroy Marjorie's memory by combining drugs with hypnosis. Meanwhile Price succeeds in establishing his wife's death as accidental. Despite the efforts to destroy her mind, Marjorie becomes quite lucid on what she saw at the hotel. This development, coupled with the fact that the police suspected that his wife had been murdered, makes Price desperate; he decides to heed Lynn's advice that he kill Marjorie with overdoses of insulin. To protect himself, Price convinces Latimore that his wife was hopelessly insane, and that only insulin treatments might save her. Latimore agrees reluctantly, and returns to the city. While administering the lethal dose of insulin, Price cannot bear Marjorie's suffering and orders Lynn to prepare an antidote. When Lynn refuses, Price chokes her to death. Meanwhile subsequent events had led Latimore to suspect Price of treachery, causing him to seek the advice of Charles Trowbridge, another psychiatrist. Trowbridge and Latimore arrive in time to save Marjorie, while the police take Price into custody.

Eugene Ling wrote the screen play, Aubrey Schenck produced it, and Alfred Werker directed it. The cast includes Michael Dunne, Reed Hadley and others. Adult entertainment.

"Ziegfeld Follies" with an all-star cast

(MGM, no release date set; time, 110 min.)

In point of lavishness, this magnificently staged Technicolor musical has seldom, if ever, been matched; the splendor of the production is in itself enough to hold one fascinated. As entertainment, it should satisfy generally, although some patrons may be disappointed find that there is no plot. It is an aggregation of sketches and musical numbers, giving different MGM stars an opportunity to take part in the picture. Some of the numbers are very good, some fair, and some indifferent. All are exquisitely staged. The music is not particularly outstanding, but it is melodious.

Presented as a straight musical revue, the show starts with William Powell as the late Florenz Ziegfeld in his palatial apartment in Heaven, dreaming of once more creating a "Ziegfeld Follies" with the talent and resources available today. His dream begins with "Bring on the Beautiful Girls," a lavish production number featuring Lucille Ball and a host of shapely chorus girls. Esther Williams follows with "A Water Ballet," in which she gives a graceful exhibition of her swimming talents. Keenan Wynn is next in "Number Please," a highly amusing sketch about his difficulties with a telephone operator. Then comes James Melton and Marion Bell in an opulent operatic production number in which they sing "Traviata." They are followed by "Pay the Two Dollars," a comedy sketch, in which Victor Moore finds himself in all sorts of trouble with the law because Edward Arnold, his lawyer, insists that he appeal a two dollar fine for a subway violation. The next sequence features Fred Astaire and Lucille Bremer in a ballroom scene. Then come Fanny Brice, Hume Cronyn, and William Frawley in an amusing mixup over the ownership of a winning sweepstakes ticket; Lena Horne singing a love song in a colored cabaret; Red Skelton in a hilarious impersonation of an inebriated television announcer; Fred Astaire and Lucille Bremer in "Limehouse Blues," an effective dramatic pantomime, superbly staged; Judy Garland in "A Great Lady Has an Interview," a vastly entertaining song and dance satire on an affected actress; Gene Kelly and Fred Astaire in a gay song and dance duct; and Kathryn Grayson singing a ballad.

Despite this combination of beauty, talent, scenic effects, and music, the picture drags at several points.

Arthur Freed produced it, and Vincent Minnelli directed it. The different sketches were directed by Roy Del Ruth, George Sidney, Robert Lewis and Lemuel Ayres. Unobjectionable morally.

will take place "as long as the public can buy top-notch film entertainment," then heaven help the motion picture industry, for the greatest percentage of pictures released each year, excluding even the assembly-line pictures, are by far below the entertainment qualities offered by "The Bells of St. Mary's," the sort of picture that comes along only once in a great while.

An interesting point about this publicity release is that it marks, to the knowledge of this writer, the first time a major company executive has admitted that a cut in theatre attendance was expected in the post-war era. It is an admission the exhibitors might well bear in mind when approached by a film salesman with the usual excessive rental demands.

Assuming that Ned Depinet is correct in his belief that the expected post-war slump will not take place where high quality pictures are shown, the industry is still left in the expectation of a slump where the pictures are either mediocre or poor. The exhibitors cannot afford, therefore, to relax their resistance against high rental demands, particularly in those instances where there is any doubt as to the high quality of the pictures being bought.

Audiences will again become more discriminating in their choice of film entertainment, and the exhibitors will have to meet this condition by becoming more economical in every phase of their operations.

"Tars and Spars" with Janet Blair, Alfred Drake and Marc Platt

(Columbia, January 10; time, 86 min.)

By virtue of its melodious songs, well-staged dance routines, and the comedy antics of Sid Caesar, a newcomer, "Tars and Spars" shapes up as a better than average program musical, good enough to top a double-bill. The story itself is thin and familiar, and its treatment lacks originality, but it serves its purpose as a background for the musical numbers and the comedy. Sid Caesar, whose clowning is in the Danny Kaye manner, practically steals the picture. His burlesque routine of how Hollywood fashions a war picture is extremely funny. Alfred Drake, who won fame as the singing star of the stage show "Oklahoma," has a winning personality and a pleasant singing voice, but there is nothing outstanding about his work. A highlight is Marc Platt's expert dancing. On the whole it is a pleasing entertainment:—

After ending a 21-day endurance test on a raft only fifty feet from his Coast Guard base, Alfred Drake, S 1/c, finds Janet Blair, a Spar, at his desk. Thinking that he had been relieved for active duty, Drake picks her up and spins her around. They fall, much to Janet's embarrassment, but Sid Caesar, Drake's pal, explains that Drake fell because of weakness after his ordeal "at sea," painting him as a shipwrecked hero. Janet, sympathizing with Drake, agrees to accompany him on a date, but she soon learns the truth about his "heroism," and leaves him. Later, at an amusement park, Drake records a love song within Janet's hearing and wins her back. Finally ordered to sea, Drake bids Janet a fond goodbye and promises to write her. He soon learns, however, that he had been ordered to Catalina, twenty miles away. Ashamed, he does not write to Janet. Meanwhile Janet, while

rehearsing for the Coast Guard show, plays Drake's recording of the love song, which catches the ear of the officer directing the show. He orders Drake returned to the base immediately for a part in the show. Janet, learning that Drake had been only twenty miles away, breaks with him because of his failure to write. Shortly afterwards, Drake heads for battle duty, while Janet accompanies the show to Honolulu, where it was to make its debut. There, it all ends on a happy note when Drake's battle-scarred ship comes into port, enabling him to take part in the show, and to reunite with Janet.

John Jacoby, Sarett Tobias, and Decla Dunning wrote the screen play, and Milton H. Bren, Lt. Comdr., USCGR, produced it. The cast includes Jeff Donnell and others.

Unobjectionable morally.

"Meet Me on Broadway" with Marjorie Reynolds, Fred Brady and Jinx Falkenburg

(Columbia, January 3; time, 78 min.)

A routine program romantic musical, suitable as a supporting feature wherever something light is needed to round out a double-bill. It has the usual quota of song and dance numbers, none of which are particularly outstanding but which are good enough to please those who are not too demanding about their screen fare. Neither the story nor the twists it takes are novel; it develops just as one expects. One's interest is held mainly by the engaging performances of the players. The comedy, at best, is only moderately amusing, and the production values are modest:—

Fred Brady, temperamental director of a Broadway musical show, loses his job when he gets into an argument with the show's producer, much to the concern of his sweetheart, Marjorie Reynolds, the show's featured singer, and his pal, Allen Jenkins, a songwriter. He tries to become a producer on his own and is unsuccessful until he meets Loren Tindall, a young socialite, who engages him to produce an amateur musical benefit show at a swank country club. Because Marjorie wanted him to quit show business and find a regular job, Brady tricks her into accompanying him to the country club to appear in the show. Marjorie, furious at first, relents when Brady informs her that he expected to earn \$5,000 as his share of the receipts, enabling him to marry her. During rehearsals, Brady discovers unusual singing talent in Jinx Falkenburg, daughter of Gene Lockhart, wealthy president of the club. Reasoning that Lockhart would back a Broadway show if his daughter were to appear in it, Brady, to impress him, agrees to turn over his share of the benefit show's receipts to charity. Meanwhile Tindall had developed a romantic interest in Marjorie, and Jinx had taken a liking to Brady. When Marjorie learns of Brady's donation, she gets into a spirited argument with him, causing him to walk out on the show. Spring Byington, Tindall's mother, a one-time vaudeville star, follows Brady and persuades him to return. It all ends with the show a smash success, with Marjorie and Brady reconciled, and with Jinx and Tindall deciding that they were meant for each other.

George Bricker and Jack Henley wrote the screen play, Burt Kelly produced it, Leigh Jason directed it. Unobjectionable morally.

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THE PRODUCER PROPAGANDISTS ARE AT IT AGAIN

The three days of final oral arguments in the Government's New York anti-trust suit against the eight major companies, which was brought to a close last week after being in litigation since June, 1938, were marked by frequent remarks and interjections on the part of the judges, who asked many pointed questions of both sides.

Some of their remarks, particularly those of Augustus N. Hand, the presiding jurist of the three-judge statutory court, were featured prominently in trade paper stories, giving one the impression that the defendant-companies would emerge from the trial victorious, or, at the very worst, be compelled to make some changes in certain of their trade practices with little, if any, injury to their theatre holdings.

These pessimistic stories were inspired chiefly by Judge Hand's following statement, made during the arguments presented by Robert L. Wright, the Government's counsel:

"... your aim is to upset all ownership of theatres. Now that is an extremely drastic remedy that I should think was extremely unlikely that this court will give. But that is merely a first impression of myself, and I've got to study this very carefully in other ways than just by merely reading through the briefs—once, of course."

While it is true that the aforementioned statement, as well as others made by the court during the three-day hearings, leave one with the feeling that the judges are not convinced that divorcement is the answer to the complex industry problems, and that they are reluctant to grant such relief, it should be remembered that their ultimate decision will be based on facts and propositions of law. And, if the judges find that the defendants have violated the law, it is their responsibility to take the necessary remedial measures even if, in their opinion, such measures are harsh. As pointed out in the Government's final brief, the defendants' claim that theatre divorcement would be injurious to their operations without benefitting the public is a matter for Congress, and not for the Court, to determine.

At one point during the arguments presented by Wright, Judge Hand stated that he was trying to break up an industry system without devising a substitute system. Wright replied that it was not an obligation of either the Government or the Court to set up a new system, adding that the only duty of the Department of Justice was to enforce the law,

while the court's function was to determine if there were any violations of the law. "The court," said Wright, "cannot shy away from the complexities of the case because the remedy would have to be too drastic. Where the law requires it, it has to be done."

In his argument, Wright, contending that the Government's charges were questions of law, maintained that clearance *per se* is illegal; that established runs should be eliminated and pictures sold on the auction block; that the Consent Decree should be scrapped, particularly insofar as it provides for the arbitration of clearance; and that not only divorcement but also dissolution of the affiliated circuits is required to restore free competition to exhibition.

On the opening day of the oral arguments it struck some court observers that Wright seemed confused by the questions put to him by the court, but all agree that, in his concluding argument in rebuttal, Wright's presentation and broad analysis of the issues involved were masterful.

The attorneys for the theatre-owning defendants were, of course, most vehement in their denials of the Government's allegations, each emphasizing that the Government had failed to prove its charges, declaring that divorcement would bring chaos to the industry, and asking that the case be dismissed.

The attorneys for the "Little Three," the non-theatre-owning defendants, defended block-booking and contended that the exhibitors favored full season selling. Columbia's counsel argued that his client would be ruined if the court outlawed block-booking, and counsel for Universal and United Artists declared that the elimination of clearance and run, and the selling of pictures on the auction block, would lead to organized chaos in the distribution of pictures and would give no security to the exhibitors.

With oral arguments concluded, it is expected that the court will make a study of the case without delay, and that a decision will be forthcoming in from two to three months.

As it has already been said in these columns, predictions on the outcome of lawsuits are, at best, guess work; one would have to make a thorough study of the intricacies of the evidence, the testimony, and the numerous briefs, before one can qualify as a predictor. Nevertheless, the producer-propagandists are in full swing with their predictions on the probable outcome of the trial, some of them stating that the chances for complete divorcement are slim, and that whatever remedies may be ordered relative to

(Continued on last page)

"The Shadow Returns" with Kane Richmond and Barbara Reed

(Monogram; no release date set; time, 60 min.)

This program murder-mystery melodrama with comedy is of minor importance. First in Monogram's new "Shadow" series, there is not much to recommend in it, for the story is confusing and developed mostly by dialogue, causing one to lose interest in the proceedings. To some extent it attempts to follow the formula of the "Thin Man" pictures by having the hero's sweetheart help solve the crime, but the plot developments are so lacking in freshness and the comedy is so labored that it fails to be either interesting or amusing. Whatever excitement the melodramatic action may create is rendered ineffectual by the silly comic interpolations. Even the performances are only fair; but this is probably due to the fact that the players were unable to cope with the mediocre material, as well as with the uninspired direction:—

Josef Yomans (Emmett Vogan) is given Government permission to open a grave, and he retrieves from it a set of jewels. Upon receiving a tip that the jewels were smuggled in from Australia, Police Inspector Cardona (Joseph Crehan) follows Yomans to the home of Michael Hasdon (Frank Reicher). He is joined in the investigation by Lamont Cranston (Kane Richmond), the police commissioner's nephew, a student of criminology, who was secretly "The Shadow," known to the police as a mysterious cloaked figure, who had an amazing knack for solving baffling crimes. At Hasdon's home, the inspector and Cranston find that Yomans and the jewels had disappeared mysteriously, and that Hasdon claimed ownership of the gems. Shortly afterwards, Hasdon is killed by a fall from a balcony. Aided by Margo (Barbara Reed), his girl-friend, and by Shrevvie (Tom Dugan), his butler, Cranston, disguised as the "Shadow," learns that several questionable characters were negotiating with Breck (also played by Emmett Vogan), Hasdon's secretary, for the missing jewels. After a series of adventures, during which three more people die from balcony falls in what appear to be suicides, Cranston locates the gems in a warehouse and discovers that they were really capsules containing a secret formula for a revolutionary plastic material. Without disclosing his identity as the "Shadow," Cranston guides the inspector into proving that Breck had been trying to obtain the plastic formula for himself, and that he had dragged the others from the balcony by means of a bull whip.

George Callahan wrote the original screen play, Joe Kaufman produced it, and Phil Rosen directed it. The cast includes Pierre Watkin, Robert E. Keene and others.

Unobjectionable morally.

"The Flying Serpent" with George Zucco and Ralph Lewis

(PRC, Feb. 20; time, 59 min.)

Very ordinary. Supposedly a horror melodrama, it will barely get by as a supporting feature in secondary theatres. Although the story is somewhat different from those that are generally used in pictures of this type, it is so fantastic that it is doubtful if it will scare anyone but children; adults will probably find it too ludicrous. Moreover, the plot developments are obvious and, even though the players try hard, they are not very convincing. The picture looks as if it were produced on a very modest budget:—

George Zucco, an archeologist living in New Mexico, discovers a fabulous treasure that was presumably hidden by Montezuma, the Aztec emperor. With the treasure he finds a flying serpent, a prehistoric creature, which he keeps in a cage to guard the fortune. Zucco had discovered that the serpent would kill anyone who possessed one of its feathers. When a fellow scientist inquires too closely into his activities, Zucco plants a feather on the man and takes him to the Aztec ruins. There, unobserved, Zucco

frees the serpent, which, guided by the smell of the feather, attacks and kills the scientist. Others who become inquisitive of Zucco's activities suffer a similar fate. The strange killings arouse the interest of Ralph Lewis, a murder-mystery radio announcer, who visits the scene of the crimes and broadcasts a day-to-day account of the investigation. Meanwhile Lewis carries on an investigation of his own and comes across clues that lead him to suspect Zucco of the murders. Three additional victims are claimed before Lewis discovers the treasure room together with the serpent, to which Zucco had taken his step-daughter (Hope Kramer) with intent to kill her. In the course of saving the girl's life, Lewis accidentally releases the serpent from its cage; it flies toward Zucco, who had a feather in his pocket, killing him. Lewis then shoots and kills the flying creature, after which he and Hope look forward to a happy romantic future.

John T. Neville wrote the original story and screen play, Sigmund Neufeld produced, and Sherman Scott directed it.

Adult entertainment.

(Editor's Note: During the action, the camera shifts frequently to a radio station clock on which the name "Gruen" is plainly visible.)

"Strangler of the Swamp" with Rosemary La Planche and Robert Barratt

(PRC, Jan. 1; time, 58 min.)

Routine program fare. It should serve its purpose as a supporting feature wherever audiences like spooky pictures, for it manages to give one the creeps. Since the story deals with the supernatural, it is, of course, a fantastic affair, the sort that will amuse rather than scare discriminating patrons. More than the story or the acting, it is the dismal swamp settings, the low-key photography, and the sudden appearances of a grotesque "ghost" character that give the picture its chilling effects. The constant danger to the heroine manages to hold one in some suspense. There is a romance, but no comedy relief.

The story opens with the mysterious murders of four people in a swampland community, which had been put under a curse by Charles Middleton, who had been hung years previously for a crime, despite his protests of innocence; he had vowed to return from the grave to strangle his hangmen and their descendants. When Franklin Conlan, the village ferryman, is found strangled, Robert Barratt, a leader in the community, finds among the dead man's effects a confession to the crime for which Middleton had been hung. To blast the villagers' superstitions that Middleton's ghost roamed the swamps, Barratt proposes that they use the funds for a new church to drain the swamp, but the villagers reject the proposal. Meanwhile Rosemary La Planche, Conlan's granddaughter, comes to the community to take over her grandfather's duties as "ferryman." She falls in love with Blake Edward's, Barratt's son. Barratt raises objections to the romance on the grounds that Rosemary's grandfather had been a murderer. One night Middleton's ghost appears and tries to strangle Edwards as he walks through the swamp. Rosemary, finding the young man still alive, attempts to go for a doctor, but the ghost blocks her every move. She finally manages to reach Barratt and, despite the ghost's efforts to stop them, they rescue Edwards from the swamp and take him to an old chapel. Realizing that he could not walk into the holy place, the ghost threatens to wait for them. Rosemary pleads with him to leave vengeance to the Almighty, and offers to give up her own life as a sacrifice for the others. Her plea has the effect of breaking the ghost's power, and he disappears into thin air for all time. Repentant, Barratt begs Rosemary's forgiveness and accepts her as his daughter-in-law.

Frank Wisbar wrote the screen play and directed it. Raoul Pagel produced it.

Adult entertainment.

"A Guy Could Change" with Allan Lane and Jane Frazee

(Republic, Jan. 27; time, 65 min.)

Just a moderately entertaining program picture. Revolving around the regeneration of a newspaperman, who, because his wife had died in childbirth, takes an unreasonable dislike to his infant daughter, the story is weak and artificial; for that reason it lacks dramatic power. Moreover, its treatment is so routine that one knows in advance just what is going to happen, causing one to lose interest in the outcome. It moves along at a slow pace, and it is only in the closing scenes that anything exciting happens, but even that lacks realism. For example, there is a fist fight in which the hero and villain batter each other, falling over furniture and rolling on the floor, yet neither one loses his hat. The cast performs acceptably, but the choice of Twinkle Watts, as the hero's eight-year-old daughter, is not a good one; she lacks the personal charm and appeal one enjoys seeing in a child that age. The romantic interest is pleasant:—

Embittered when his wife dies after giving birth to their daughter, Allan Lane arranges with his sister (Mary Treen) to care for the infant. After a period of eight years, during which he had become hard and cynical in a determination that his love for a woman shall not hurt him again, Lane's attitude towards his daughter (Twinkle Watts) remains one of indifference, in spite of the fact that the child idolized him. His attitude undergoes a sudden change, however, when he meets and falls in love with Jane Frazee, a waitress, who admonishes him for neglecting the child. Ashamed, Lane becomes attentive to his daughter and takes her to meet Jane. The child and Jane become fast friends, and Lane, in high spirits, asks Jane to marry him. Meanwhile Gerald Mohr, a bank robber in prison, escapes; he had been convicted on Jane's testimony, who had been a bank teller at the time. Sworn to revenge, Mohr learns Jane's home address from a co-waitress and goes to her apartment. Lane, calling for Jane at the restaurant, learns that Mohr had inquired for her. He rushes to her apartment and arrives just as Mohr shoots her. A fist-fight ensues, with Mohr jumping to his death from a window to evade capture. Jane is rushed to a hospital, where Lane saves her life by a blood transfusion.

Al Martin wrote the screen play, and William K. Howard produced and directed it. The cast includes Bobby Blake, Wallace Ford, Adele Mara, Eddie Quillan and others.

Unobjectionable morally.

"Song of Mexico" with Adele Mara and Edgar Barrier

(Republic, Dec. 28; time, 59 min.)

With the exception of those who enjoy motion picture travel tours and Latin-American music, this minor program picture will have little appeal for average audiences. Written, produced, and directed by James A. FitzPatrick, the picture is somewhat similar to his famed *Traveltalks*, except that it is of feature length, and that the array of Mexican scenery, folk songs, dances, and colorful costumes, is interspersed with a romantic story about an American girl who runs away from her sweetheart because he placed business above romance. The story, however, is trite, merely serving as an excuse for the camera to roam all over Mexico while the boy-friend tries to win back the girl. Some of the dialogue is bilingual. The songs and dances are charming, and some of the scenery is beautiful, but, as said, the picture's appeal on the whole will be limited:—

After giving up her stage career to marry Edgar Barrier, a high-powered executive, Adele Mara learns, after their engagement, that he devoted most of his time to business and little to her. Determined to teach him a lesson, Adele breaks the engagement and flies to Mexico to visit Raquel de Alva and George Lewis, her friends. Raquel, after hearing about Adele's troubles with Barrier, arranges for her to start a flirtation with Jose Pulido, a popular Mexican

singer, in the belief that it would bring Barrier to his senses. Meanwhile Barrier, following Adele to Mexico, strikes up an acquaintance with Jacqueline Dalya, a gay divorcee, who was a fellow train passenger. He tells her of his troubles with Adele, and she offers to help him win her back. In Mexico, Adele, to rouse Barrier's jealousy, plays up to Pulido's amorous advances. But Barrier in turn makes her jealous by being attentive to Jacqueline. Under the divorcee's tutelage, Barrier undergoes a complete transformation, even making it appear as if he was neglecting his business to romance with her. His attitude soon has the desired effect on Adele, who agrees to marry him if he would give up his pleasure-seeking life and return to work. Her mission accomplished, Jacqueline sets her cap for Pulido.

The cast includes the Tipica Orchestra, Elizabeth Waldo, Carmen Molina and others.

Unobjectionable morally.

"Madonna of the Seven Moons" with Phyllis Calvert, Stewart Granger and Patricia Roc

(Universal, no release date set; time, 88 min.)

A fairly good British-made tragedy, revolving around a woman suffering from schizophrenia—a split personality. The story itself is incredible, and the manner in which it is presented tends to confuse one during the first half, but once the motives behind the odd activities of the heroine are made clear the tale becomes highly engrossing. Although it should direct a particular appeal to class audiences who enjoy good acting and novelty of plot, the masses, too, should find it to their liking, for at times it is powerfully dramatic. As the affected heroine, Phyllis Calvert is required to change her personality from that of a quiet-living wife and mother to that of a mistress of a low-class thief, a job she does extremely well. Since the players are unknown in this country, the picture's drawing power is questionable. The action takes place in Italy in the 1930's, and the production values and photography are of the highest order:—

While living in a convent as a young girl, Phyllis Calvert is attacked brutally by a gypsy, just prior to her marriage to John Stuart, a wealthy wine merchant. The experience, however, affects her mind, and she develops a dual personality. Years later, Phyllis and Stuart, happily married, welcome home their grown daughter (Patricia Roc), who had been educated in England. Having led a calm and cloistered life, Phyllis is shocked by her daughter's modern manners and, after a period of illness, she disappears. Stuart then reveals to Patricia that her mother was a schizophrenic; that she had disappeared on three previous occasions, following nervous shocks, and, after returning home, had remembered nothing of her absence. Patricia determines to find her mother, and enlists the aid of Peter Glenville, a gigilo acquaintance. Meanwhile Phyllis, dressed as a gypsy, makes her way to the Florentine slums, where she goes to the home of Stewart Granger, elder brother of Glenville, whose mistress she became with each personality change. Granger, head of a gang of thieves, could not understand her sudden appearances and disappearances. In the course of helping Patricia search for her mother, Glenville discovers that his brother's mistress was the missing woman. He uses this knowledge in a diabolical plot to entice Patricia to the slums with intent to seduce her. In the events that follow, Phyllis sees Glenville carry Patricia to an upstairs room, and, without realizing that she was her daughter, but mistaking Glenville for Granger, she jealously stabs him. Before he dies, Glenville throws a stiletto at Phyllis. Recognizing the dying gypsy woman as her mother, Patricia takes her home. There she dies with the benediction of the church.

Roland Pertwee wrote the screen play, Maurice Ostrer and R. J. Minney produced it, and Arthur Crabtree directed it. Adult entertainment.

certain trade practices might well be welcomed by the defendant-companies as solutions to some problems of long standing.

Those of you who have been following the Government's anti-trust suits in recent years will recall that, in connection with the Crescent and Schine cases, similar pessimistic stories made the rounds by word-of-mouth and in print. The Government's victory in each of these cases is now history. And history has a habit of repeating itself.

A CORRECTION

In the review of "Scarlet Street," which appeared in last week's issue, it was erroneously stated that this picture was under a censorship ban in Minneapolis. The picture has been banned in Milwaukee, not Minneapolis. As of this writing, the picture is still banned in New York State.

"Swing Parade of 1946" with Gale Storm and Phil Regan

(Monogram, no release date set; time, 75 min.)

This is an agreeable combination of music, comedy and romance, good enough to top a double-bill in small-town and neighborhood houses. The story is not particularly novel, but since it is acted engagingly by the leading players, and since the chief entertaining qualities of the picture are in the melodious songs, the production numbers, and the comedy, it keeps one pleasantly entertained all the way through. Gale Storm is as charming as ever in a part that gives her an opportunity to display her talents, both as a singer and actress. The "Three Stooges," as night-club waiters, under the supervision of Edward Brophy, provoke considerable laughter each time they appear. Two song numbers by Connie Boswell, music by Will Osborne and his Orchestra, and specialty songs by Louis Jordan and his Tympany Five, are musical highlights that should go over pretty well:—

Determined to prove that he could make his own way in the world, Phil Regan, son of a wealthy banker (Russell Hicks), prepares to open a new night-club, despite the opposition of his father, owner of the night-club site, who wanted him to give up the entertainment field for the banking business. To prevent the club's opening, Hicks employs numerous process servers to serve his son with eviction papers, but Regan succeeds in dodging them. Gale Storm, unemployed and seeking a stage career, tries desperately to get an audition in Regan's club, but is refused entry. When she answers an ad for a receptionist with Hicks' firm, the banker puts her to work as a process server. She goes back to Regan's club, but this time, through a series of coincidents, she gains admittance and obtains employment as a singer. Delighted, she decides not to serve the eviction papers. Regan falls in love with her and gives her a featured spot in the show. Meanwhile Mary Treen, a family friend, arranges with Hicks' to become reconciled with his son on opening night. But, through a misunderstanding, Hicks' is ejected from the club by Regan's waiters. Peeved, Hicks sees to it that the eviction papers are served on Regan, but does it in a manner that leads the young man to believe that

Gale had a hand in the matter. A quarrel leads to a break between the young lovers but it all turns out for the best when Hicks, having a change of heart, tears up the eviction papers and explains Gale's innocence. Their differences settled, Gale and Regan help to make the opening a huge success.

Tim Ryan wrote the screen play, Lindsley Parsons and Harry A. Romm produced it, and Phil Karlson directed it. The cast includes John Eldredge, Leon Belasco and others.

Unobjectionable morally.

"Terror by Night" with Basil Rathbone and Nigel Bruce

(Universal, Feb. 1; time, 60 min.)

A fairly good "Sherlock Holmes" program mystery melodrama. Those who have enjoyed the other pictures in the series will probably enjoy also this one, for the action is pretty exciting and, for the most part, mystifying. Following the formula employed in the previous pictures, Basil Rathbone, as "Holmes," goes about solving the crime in his quiet way, while Nigel Bruce, as "Dr. Watson," his aide, provides occasional bits of comedy by his blustering antics. Though far-fetched, the methods "Holmes" employs to outwit the crooks are contrived cleverly. One's interest is held pretty well, for suspicion is directed at several of the characters and it is not until the finish that the guilty person's identity is divulged:—

Rathbone and Bruce are hired by Geoffrey Steele to guard a famous jewel that he and his mother were taking to Scotland. Aboard the train, Rathbone meets Inspector Dennis Hooey, of Scotland Yard, who, too, had been delegated to protect the jewel. En route, Steele is murdered mysteriously in his compartment, and the famous gem disappears. Hooey, aided by Rathbone and Bruce, undertakes an investigation and finds reason to suspect among the passengers Frederick Worlock, a professor; Renee Godfrey, a woman of questionable character; and Alan Mowbray, a retired British officer, for whose integrity Bruce vouched, having served with him in India years previously. Carefully sifting his clues, Rathbone comes to the conclusion that Mowbray was actually a notorious international jewel thief, noted for his clever schemes, and that he was implicated in the crime. Upon reaching Edinburgh, the train is boarded by the local police, who, after hearing Rathbone prove that Mowbray had instigated the murder, find the jewel in his possession and arrest him. The jewel thief attempts to escape, but Rathbone, aware that the arresting officers were impostors, part of Mowbray's plan to escape with the gem, subdues Mowbray and through a clever ruse tricks the fake police into taking Inspector Hooey off the train in the belief that they had Mowbray in tow. While Hooey reveals himself on the station platform and arrests the impostors, Rathbone, on the train, handcuffs Mowbray and discloses to Bruce that the real diamond had always been in his possession since he had substituted a fake one in its place.

Frank Gruber wrote the screen play, and Roy William Neill produced and directed it.

Unobjectionable morally.

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1270 AVENUE OF THE AMERICAS

(Formerly Sixth Avenue)

New York 20, N. Y.

A Motion Picture Reviewing Service
Devoted Chiefly to the Interests of the Exhibitors

Its Editorial Policy: No Problem Too Big for Its Editorial
Columns, if It is to Benefit the Exhibitor.

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A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XXVIII

SATURDAY, FEBRUARY 2, 1946

No. 5

OF INTEREST TO DISTRIBUTORS AS WELL AS TO EXHIBITORS

HARRISON'S REPORTS takes the liberty of presenting to the exhibitors as well as to the distributors, other than Warner Brothers, correspondence dealing with an experience of the Palace Theatre, in Dayton, Ohio, relative to the practice of blind checking. The subject is treated so clearly in the following letters that comment is hardly necessary:

MIDWESTERN BOOKING AGENCY

1187 North High Street

Columbus, Ohio

December 5, 1945

Mr. Pete Harrison
Harrison's Reports
1270 Sixth Avenue
New York, N. Y.

Dear Mr. Harrison:

The enclosed letter is self-explanatory. I thought you might be interested in knowing it, if Warner Bros. is starting a policy of blind-checking theatres.

You may feel perfectly free to use this information in HARRISON'S REPORTS if you think it would be helpful to other exhibitors.

Very truly yours,
s/ E. Miles
Secretary

MIDWESTERN BOOKING AGENCY

1187 North High Street

Columbus, Ohio

December 5, 1945

Mr. Abrose
Warner Bros. Pictures Corp.
Cincinnati, Ohio

Dear Mr. Abrose:

The manager of the Palace Theatre, Dayton, Ohio, has reported to the office that a man seated in a Chevrolet bearing license number Ohio-524-PH has been parked opposite the theatre obviously clocking admissions all day December 2nd, and 3rd and 4th.

He caused considerable alarm at the theatre. There have been many burglaries and hold-ups in this neighborhood recently and the cashiers and theatre personnel were much frightened at this man's being seated in a car constantly observing the girls in the box offices.

Upon our manager's questioning him, he advised that he was blind-checking the theatre for your company and that his name is Ross and that he is residing in Dayton; also, that this is not the first time he has checked the Palace, and that your company is also having him check the opposition theatre, the Classic.

I consider the policy a very sneaking and unethical procedure and I am surprised that your company would foster or permit it. I cannot blame the girls in the box office for being alarmed. I have sold tickets myself and I know how I would feel to have somebody parked at the curb observing my handling the money.

Certainly your office has never requested any information of this kind from us here and I am sure that if you were to feel the information so necessary as to go to all this expense and trouble, you would first make an effort to obtain the information through legitimate channels.

Please investigate the matter and advise me whether the man has misinformed us.

Very truly yours,
s/ E. Miles
Secretary

Copy: Mr. Jules Lapidus

General Sales Mgr.—Executive Home Offices
Warner Bros. Pictures Corp., New York City

Copy: Pete Harrison—Harrison's Reports—1270 Sixth
Ave., New York City

HARRISON'S REPORTS

1270 Sixth Avenue

New York 20, N. Y.

December 15, 1945

Mrs. E. Miles
Midwestern Booking Agency
1187 North High Street
Columbus, Ohio

Dear Mrs. Miles:

Your letter dated December 5, together with the copy of the letter sent to Mr. Abrose of Warner Brothers, is on hand, and we are grateful to you for the information contained therein.

Before using this information in HARRISON'S REPORTS, we should like, if possible, to receive a copy of Mr. Abrose's reply to your letter.

Very sincerely yours,
Harrison's Reports

MIDWESTERN BOOKING AGENCY

1187 North High Street

Columbus, Ohio

December 22, 1945

Harrison's Reports
1270 Sixth Avenue
New York, N. Y.
Gentlemen:

I have for acknowledgement your letter of December 15th addressed to Mrs. Miles. For your information Mrs. Miles received an acknowledgement of her letter dated December the 15th, a copy of which we are attaching hereto.

Mr. Abrose, Cincinnati Branch Manager for Warners, also advised Mrs. Miles by phone on December the 15th that he expects to be in Columbus after January 1st., at which time he will discuss this matter with her.

Very truly yours,
s/ Arthur A. Miller
Booker

WARNER BROS. PICTURES DISTRIBUTING CORPORATION
WARNER BROS. PICTURES
1600 Central Parkway
Cincinnati, Ohio

December 7, 1945

Mrs. Ethel Miles
Midwestern Booking Agency
1187 N. High Street
Columbus, Ohio
Dear Mrs. Miles:

This will acknowledge receipt of your letter of December 5th.

(Continued on last page)

**"The Diary of a Chambermaid" with
Paulette Goddard, Burgess Meredith,
Hurd Hatfield and Francis Lederer**

(United Artists, Feb. 2; time, 86 min.)

A fairly good period melodrama, but it is a picture that should entertain mostly cultured audiences, for, despite touches of comedy, it is morbid and lacks mass appeal. No fault can be found with the production, for it is exceedingly fine in every detail. And the acting is uniformly good, with Paulette Goddard, as a chambermaid in the Republican France of 1885, predominating. But it is in the story, a tale of murder, robbery, and blackmail, revolving around the chambermaid's desire to better her station in life, that the producers have fallen down—it is rambling, lacks dramatic power, and the characterizations are not too clearly defined. Another drawback insofar as the masses are concerned is that some of the situations are unpleasantly realistic. It may, however, draw fairly well at the box-office because of Miss Goddard's popularity:—

After assuming her new duties as chambermaid in the chateau of Judith Anderson, a snobbish Monarchist who demanded submission from all in the household, Paulette, tired of being bullied and of being made the victim of scheming men, determines to achieve wealth and a better station in life by making the most of her womanly wiles. Reginald Owen, Miss Anderson's browbeaten husband, attempts to make love to Paulette, as does Burgess Meredith, an elderly psychopathic next-door neighbor, who tries to woo her with promises of wealth and luxury. Francis Lederer, too, the household's unscrupulous sadistic valet, undertakes to win her love. Meanwhile Miss Anderson dresses Paulette in finery in an effort to stir the interest of Hurd Hatfield, her consumptive son, who frequently left home because of his mother's possessiveness. Paulette falls in love with Hatfield, but the young man, aware that his mother was using her to hold him in the house, resists her charms. Angered at being made the victim of Miss Anderson's machinations, Paulette turns to Lederer, who planned to steal the family silverware and had promised to share the spoils with her if she would marry him. To satisfy Paulette's lust for money, Lederer murders the demented neighbor and steals his hidden gold. Later he announces to the family his resignation as valet and his forthcoming marriage to Paulette. The news shocks Hatfield into declaring his love for Paulette, and she readily returns to him. But Lederer batters Hatfield into unconsciousness and compels Paulette to flee with him in return for sparing Hatfield's life. As they drive through the village at the height of a Bastille Day celebration, Paulette jumps from the carriage and accuses Lederer of Meredith's murder. The villagers drag the valet to his death, leaving Paulette free to return to the arms of Hatfield.

Burgess Meredith wrote the screen play from a French novel and co-produced it with Benedict Bogeaus. Jean Renoir directed it. The cast includes Irene Ryan, Florence Bates, Almira Sessions and others. Adult entertainment.

**"They Made Me a Killer" with
Robert Lowery and Barbara Britton**

(Paramount, no release date set; time, 62 min.)

A fair program melodrama. Although the plot is commonplace and offers few surprises, it should find favor with audiences who like fast action and melodramatic situations. Revolving around a young man who, through circumstantial evidence, is wrongly accused of bank robbery and a murder, the story concentrates on his efforts to catch the guilty persons and to establish his innocence. The manner in which he traps the gangsters while he himself is hunted by the police holds the spectator in pretty fair suspense. A subdued but pleasant romance is worked into the plot:—

Learning that Robert Lowery, an automobile mechanic, was trying to sell his speedy car, Lola Lane, a "flashy" woman, tells him that her boy-friend (Edmund McDonald) might be interested in buying it; she arranges to meet Lowery on the following day in front of a bank. At the appointed time, McDonald and a confederate (James Bush) rush out

of the bank shooting, jump into Lowery's car, and force him to drive away. Lowery deliberately wrecks the car in an effort to escape, but the crash knocks him unconscious while the crooks make their getaway. The police arrest Lowery for the robbery and charge him with murdering a policeman and a bank teller (Byron Barr); the police suspected that Barr had been the inside man for the thieves. Realizing that his only chance for vindication was to capture the robbers, Lowery escapes from the police. He communicates with Barbara Britton, Barr's sister, and, after convincing her of his own innocence, persuades her to help him catch the crooks so that he could prove also her brother's innocence. Finding evidence that Lola was once a waitress, Lowery and Barbara trace her to a tearoom operated by Elizabeth Risdon, and discover the crooks hidden in the basement. Lowery attempts to capture them single-handedly only to be captured himself. Barbara, having secured employment in the tearoom, manages to communicate with Lowery and, following his instructions, obtains for him a recording device. Lowery attaches the device to a juke box and substitutes a blank record for one that was constantly played by Frank Albertson, a policeman. He then goads the crooks into conversation in which they admit their guilt, and later, when the policeman visits the tearoom for lunch and plays his favorite record, he hears instead the confession, which leads to the arrest of the crooks and the liberation of Lowery.

Geoffrey Homes, Winston Miller, and Kae Salkow wrote the screen play, Pine-Thomas produced it, and William C. Thomas directed it. The cast includes Ralph Sanford and others. Adult entertainment.

**"The Virginian" with Joel McCrea,
Brian Donlevy and Sonny Tufts**

(Paramount, no release date set; time, 86 min.)

A good Western melodrama, photographed in Technicolor. The film marks the fourth time that Owen Wister's widely-read story has been brought to the screen, but, despite the familiarity of the plot, it has lost none of its appeal, for it has all the ingredients one enjoys in pictures of this type—a quiet but brave hero, thrilling melodramatic situations, fast and furious horseback riding, good comedy touches, a charming romance, and colorful scenic backgrounds. The most exciting and suspenseful situation is where the hero and the villain stalk each other on a deserted street in a fight to the death. A highly dramatic scene is the one in which the hero is compelled to lynch his best friend for cattle stealing; the play of emotion on the faces of both men is realistic. It is a well-directed picture, and the entire cast performs capably:—

Arriving in Medicine Bow, Wyo., to assume her duties as school teacher, Barbara Britton finds it to be a lawless land ruled by gunfighting. She falls in love with Joel McCrea, a cowboy from Virginia, who had compelled Brian Donlevy, a suspected cattle rustler, to apologize for an insulting remark about her. Donlevy's cattle rustling activities arouse the cattle owners, who appoint McCrea to head a posse to track down the thieves. McCrea and his men succeed in catching the rustlers, including Sonny Tufts, his best friend, who had been lured to cattle stealing by Donlevy, despite McCrea's warning that he would be shown no mercy if caught. Donlevy, however, escapes. McCrea orders the hanging of Tufts and the others, then sets off in search of Donlevy, who shoots him in the back from ambush. Months later, on the day set for his marriage to Barbara, McCrea is confronted by Donlevy, who threatens to kill him unless he leaves town by sundown. Barbara pleads with McCrea to leave, but he convinces her that he had to accept Donlevy's challenge in order to establish law and order in the West. At sundown, both men stalk each other in the deserted streets, and in the ensuing gun battle Donlevy is killed. With law and order established, McCrea and his bride set out for the far west to establish a home of their own.

Frances Goodrich and Albert Hackett wrote the screen play, Paul Jones produced it, and Stuart Gilmore directed it. The cast includes Fay Bainter, Henry O'Neill and others.

Unobjectionable morally.

"Three Strangers" with Sydney Greenstreet, Peter Lorre and Geraldine Fitzgerald

(Warner Bros. Feb. 16; time, 92 min.)

Despite an involved, episodic story, this melodrama has a fair share of excitement and suspense, and should hold most adult picture-goers intrigued. It is an odd combination of three separate stories tied to a main story, dealing with the individual destinies of three strangers, share-holders in a sweepstakes ticket. The sub-plots, which revolve around the personal troubles of the three strangers, are interesting but sordid, and the characterizations are not pleasant ones. The performances, however, are good. The climax, in which the winning sweepstakes ticket cannot be cashed lest it involve the winner in a murder, is both compelling and cleverly contrived:—

Believing in the legend that the statuette of Kwan-Yin, a Chinese goddess, could grant the combined wish of any three strangers, Geraldine Fitzgerald, a well-bred Englishwoman, picks up two men, Sydney Greenstreet, a lawyer, and Peter Lorre, a cultured alcoholic, and takes them to her London apartment. She explains the legend to them, and all agree that they wished for money. Lorre produces a sweepstakes ticket that he had just bought and sells a one-third interest to each of his new acquaintances. The trio then ask Kwan-Yin to grant them their wish that they win the Grand National Sweepstakes. After they separate, all three are shown to have problems: Geraldine resorts to unscrupulous methods to regain the lost love of her husband (Alan Napier); Greenstreet, having speculated improperly with trust funds, finds himself faced with imprisonment for embezzlement; and Lorre, although innocent, is framed on a murder charge as a result of his association with bad company. The sweepstakes ticket eventually draws a horse and, on the day of the big race, all three meet again in Geraldine's apartment. Lorre had by this time been cleared of the murder charge, but Greenstreet was still in trouble and he tries desperately to persuade Lorre and Geraldine to permit him to sell his share of the ticket so that he could obtain enough money to make up the discrepancy in the trust funds. When Geraldine refuses, Greenstreet goes berserk and hits her with the statue of Kwan-Yin, killing her. Out of his mind, Greenstreet wanders into the street and is picked up by the police. Meanwhile the ticket wins, but Lorre, realizing that any attempt by him to claim the money would only involve him in another murder, tears it up.

John Huston and Howard Koch wrote the screenplay, Wolfgang Reinhardt produced it and Jean Negulesco directed it. The cast includes Joan Loring, Marjorie Riordan, Peter Whitney and others. Adult entertainment.

"The Bandit of Sherwood Forest" with Cornel Wilde and Anita Louise

(Columbia, Jan. 24; time, 87 min.)

Revolving around the exploits of the son of "Robin Hood," this costume melodrama, photographed in Technicolor, is exciting, but as entertainment it should appeal chiefly to the juvenile trade and to such adults as can accept a comic-strip adventure story. The action moves swiftly from one climax to another as the young hero leads his colorfully clad archers against a tyrannical Regent, who plotted to murder England's boy-king and seize the throne. As the son of "Robin Hood," Cornel Wilde plays the role with robustness; his skill with a bow and arrow, his swordsmanship, his hair-raising escapades, and his masterful romancing, should delight the youngsters. Henry Daniell, as the Regent, makes a despicable villain, the sort one wants to hiss:—

Learning of the Regent's plan to harm her son, the boy-king (Maurice Tauzin), the Queen Mother (Jill Esmond), accompanied by Lady Catherine (Anita Louise), goes to Sherwood Forest to seek the aid of Robin Hood (Russell Hicks). En route they meet Robert (Cornel Wilde), Robin Hood's son, who leads them to his father's retreat. Learning of the Queen's plight, Robin Hood pledges his band to rescue the young sovereign. While Robin Hood and his archers surround the castle, Robert and Lady Catherine gain entrance by disguising themselves as nuns. Through an

ingenious scheme they get to the boy-king's chamber, and by means of a rope lower him to confederates below. The castle guards try to prevent the rescue, but the archers succeed in spiriting the young king away. Robert and Lady Catherine are, however, caught, and the Regent orders them put to death for aiding in the abduction of the king. But when he learns that Robert was the son of Robin Hood, his old enemy, the Regent challenges him to a sword duel. First, however, he instructs the jailers to withhold food and drink from Robert for three days so as to weaken him, and makes elaborate plans for the castle guards to kill Robert in the event he gained the upper hand during the duel. Meanwhile Robin Hood and his band make their own plans; one by one they knock out the guards and take their places. On the day of the duel, Robert, showing unexpected strength, vanquishes the Regent as he looks hopelessly to the guards for help. Restored to his throne, the young king gives his blessing to the marriage of Robert and Lady Catherine.

Wilfrid H. Pettitt and Melvin Levy wrote the screen play, Leonard S. Picker and Clifford Sanford produced it, and George Sherman and Henry Levin directed it. The cast includes Edgar Buchanan, John Abbott, George Macready, Lloyd Corrigan and others.

"The Blue Dahlia" with Alan Ladd, William Bendix and Veronica Lake

(Paramount, no release date set; time, 96 min.)

A pretty good murder mystery thriller. The plot is somewhat complicated and contrived, and it is a little slow in getting started, but once it finishes establishing the different characters it becomes exciting and grips one's attention to the end; and since several persons are under suspicion one cannot be certain at any time as to the identity of the murderer. Alan Ladd, as a returned veteran who is suspected of murdering his unfaithful wife, is cast in the type of role his fans will enjoy thoroughly—tough, fearless, and hard-hitting; he awakens sympathy because of his innocence and of his courage. The last half of the picture, during which he becomes involved with racketeers as he helps solve the case and trap the criminal, has a number of thrilling fights. William Bendix, as Ladd's faithful buddy, whose battle wounds cause him to suffer periodic mental lapses, gives an outstanding performance. The romantic interest is unimportant:—

Upon his return from overseas, Ladd leaves his wife (Doris Dowling) after learning that she had been friendly with Howard da Silva, a night-club owner. That same night Bendix strikes up an acquaintance with Doris at a bar without knowing that she was Ladd's wife, and accepts her invitation to visit her apartment. Later she is visited by Da Silva, who wished to break relations with her but dared not because she knew that he was a fugitive from justice. Both men are observed entering the apartment by Will Wright, the house detective, who finds Doris dead on the following morning, shot with Ladd's gun. Meanwhile Ladd, having spent the night in a nearby hotel, where he makes the acquaintance of Veronica Lake, Da Silva's estranged wife, hears a radio broadcast announcing Doris' murder and learns that he was suspected by the police. In the events that follow, Ladd learns that Doris knew of Da Silva's past, and that the police, having discovered that Bendix was with Doris on the night of the murder, suspected also his buddy. Da Silva, aware that Ladd had discovered his secret, has him kidnapped, but Ladd puts up a strenuous fight during which Da Silva is killed by a stray bullet. With Da Silva eliminated, the list of suspects narrows down to Ladd, Bendix and Veronica, each of whom had a motive to commit the crime, or was circumstantially involved. But Ladd, through his ability to handle Bendix, his neurotic pal, uncovers evidence that forces a confession from Wright, the house detective, who, having had a personal grievance against Doris, murdered her and tried to direct suspicion on the others.

Raymond Chandler wrote the screen play, John Houseman produced it, and George Marshall directed it. The cast includes Hugh Beaumont, Howard Freeman, Don Costello and others. Adult entertainment.

It is my intention to be in Columbus within the next couple of weeks at which time I will discuss this matter with you personally.

Very truly yours,
s/ J. S. Abrose

MIDWESTERN BOOKING AGENCY
1187 North High Street
Columbus, Ohio

January 15, 1946

Harrison's Reports
1270 Sixth Avenue
New York, N. Y.
Gentlemen:

With further reference to our letter of December the 22nd, Mr. Abrose, Cincinnati Branch Manager for Warners, was in to see Mrs. Miles Thursday, January the 10th.

Mr. Abrose stated that the assignment for checking the Palace Theatre, Dayton, Ohio on December 2-3-4 was given by his home office, and he knew nothing about this checking engagement until we called it to his attention in our letter of December the 5th. He, also, advised this practice is common among the major film companies, and while he personally didn't like it there was nothing he could do about it as far as his company was concerned. He insists it is not confined to our theatre alone, but is general practice.

The I.T.O.O. Convention is being held in Columbus, January 22-23, and Mrs. Miles intends to bring this matter before the meeting at that time.

Very truly yours,
s/ Arthur A. Miller
Booker

NEW YORK BAN ON "SCARLET STREET" LIFTED

The Motion Picture Division of the New York State Education Department has rescinded its ban on the exhibition of "Scarlet Street" after accepting two minor deletions from the film.

These deletions include the shortening of the murder scene in which Edward G. Robinson kills Joan Bennett by stabbing her seven times with an ice pick, and the elimination of a line of dialogue spoken by Dan Duryea while inspecting an apartment with Miss Bennett. The eliminated dialogue is: "Where is the bedroom?"

The deletions approved are so minor that, in the opinion of this paper, the overall sordidness of the film is in no way affected. It still remains a picture that should not be shown to family audiences.

*Reviewed on page 10.

"The Well-Groomed Bride" with Olivia DeHavilland, Ray Milland and Sonny Tufts

(Paramount, no release date set; time, 75 min.)

In spite of the fact that the story is extremely thin, this farcical romantic comedy is a fairly good light entertainment, the sort that should please most audiences. The plot centers around the last remaining magnum of French champagne in San Francisco, and around the struggle for its possession between a navy lieutenant, who wanted it to launch a ship, and a prospective bride, who wanted it to serve at her wedding to a football hero. The lieutenant's efforts to obtain the bottle from the girl result in situations that are constantly comical and, at times, hilarious. But more than anything else it is to the credit of the players that the picture is entertaining, for they play their respective parts with zest, even succeeding in building up suspense in the slender story:—

Because his new ship was to be named after a famous French brig on the following morning, Captain James Gleason decides that nothing less than a magnum of French champagne will suffice for the christening ceremonies. He orders Lieut. Ray Milland to obtain the magnum without

fail. After a fruitless tour of San Francisco's wine shops, Milland finally locates the last remaining magnum in the city at one of the shops only to be beaten to its purchase by Olivia de Havilland. Milland pleads with her to let him have it, but Olivia refuses because she had promised to celebrate her impending marriage to Lieut. Sonny Tufts, an army flier and former football hero, with the largest bottle of champagne in the city. Determined to have the magnum, Milland sets out on a campaign to hold up the wedding. His efforts are unsuccessful until he learns that Constance Dowling, Tufts' former sweetheart, was in town. He cleverly tricks Tufts into meeting Constance at a cocktail bar, making it appear to Olivia as if Tufts were "two-timing" her. Olivia, angered, calls off the wedding, picks up the champagne, and announces that she was going to the navy yard with Milland to christen the ship. But Milland's joy is shortlived when Olivia, learning that he had engineered the scheme, refuses to turn over the champagne. In the mix-ups that follow, Tufts comes into possession of the bottle and refuses to turn it over to the navy. Milland resorts to many tricks to discredit Tufts and at the same time placate Gleason, but by the time the ceremonies are ready to start he is still without the bottle. At the last possible moment, however Olivia, realizing that she had fallen in love with Milland, tricks Tufts into surrendering the bottle in time for the christening. Meanwhile, Tufts had discovered that he really loved Constance, not Olivia.

Claude Binyon and Robert Russell wrote the screen play, Fred Kohlmar produced it, and Sidney Lanfield directed it. The cast includes Percy Kilbride and others.

Unobjectionable morally.

"Idea Girl" with Jess Barker and Julie Bishop

(Universal, Feb. 8; time, 60 min.)

Just a moderately entertaining comedy with some music. The story is thin, the action slow, and the dialogue ordinary. What is supposed to be comedy is, for the most part, plain silliness; for that reason it becomes tiresome after a while. The action never strikes a note of realism, and not one of the characters does anything to win the sympathy of the audience. The few song interpolations played by Charlie Barnett's Orchestra and sung by Laura Deane Dutton come as a welcome relief. Set this one down for the lower-half of a mid-week double-bill:—

Jess Barker, partner with Alan Mowbray in a music publishing firm, returns from a road trip to find that Mowbray, influenced easily by a pretty woman, had engaged Julie Bishop as a "song plugger," and that he had given her a five-year unbreakable contract. Ignorance of the business prompts Julie to make several deals with different persons under terms that threaten to bankrupt the firm. Barker, irritated by her unconventional methods, tries to make the best of the situation, but, when he discovers that her next scheme was a song-writing contest for amateurs, he orders Mowbray to get rid of her and to cancel the contest. The office secretary, however, inadvertently mails out the contest application blanks, and the firm is soon deluged with a flood of popular songs, among which was one from George Dolenz, a student of classical music, who had submitted the song under a false name. Barker's anger fades when social and civic groups support the contest, and when the Mayor offers to sing the winning tune. Dolenz's song emerges the winner, but when Barker is unable to locate him, he finds himself faced with charges of using the mails to defraud. After much confusion, Dolenz is finally found, and it all ends with the firm reaping huge profits from his song, while Barker and Julie decide that they are in love.

Charles R. Marion wrote the screen play, Will Cowan produced it, and Will Jason directed it. The cast includes Joan Fulton and others.

Unobjectionable morally.

HARRISON'S REPORTS

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A Motion Picture Reviewing Service

Devoted Chiefly to the Interests of the Exhibitors

Its Editorial Policy: No Problem Too Big for Its Editorial
Columns, if It is to Benefit the Exhibitor.

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Vol. XXVIII

SATURDAY, FEBRUARY 9, 1946

No. 6

BOB O'DONNELL TAKES EXCEPTION

THE VARIETY CLUBS OF AMERICA

Majestic Theatre Building
Dallas 1, Texas

January 28, 1946

Mr. P. S. Harrison, Editor
Harrison's Reports
1270 Avenue of the Americas
New York 20, N. Y.
Dear Pete:

I deeply regret the action which you took in your recent issue of Saturday, January 12th—in denouncing the recent recommendation which I made to the various Tents of the Variety Clubs of America—and in using the lead . . . "Tinging the Variety Clubs of America with Commercialism."

It is not my intention to ask that you use this letter in any matter whatsoever—but I can assure you, that if—after reading it—your opinion has changed . . . I shall appreciate the benefit of your new point of view.

Also, it is not my purpose in writing this letter to start a controversy with you—I merely wish to give you my thoughts as a National Officer of Variety—and ask that you use your own good judgment as to whether or not I was deserving of the editorial you wrote in your "HARRISON'S REPORTS."

First of all, when the request was made to me, as National Chief Barker of the Variety Clubs of America, to assist in the celebration of Columbia Pictures Corporation's 25th Anniversary . . . along with the American Federation of Music Clubs and the Federation of Women's Clubs—

—and to aid in sponsoring a dinner to be held in most exchange cities in which Variety Clubs have been established—the idea very definitely appealed to me as an opportunity to bring the local Variety Club to the front in civic affairs.

We did not select Columbia Pictures—they selected us—and I want to qualify this by stating that if the same proposal had been made by anyone—from Monogram to Metro—it would have appealed to us—for it offered an opportunity to pay tribute to our Industry . . . and to bring the activities of our Industry and our Variety Clubs to those outside of our business.

You, and other theatrical trade paper editors who sit in New York City have—I'm afraid, very little conception of the limited scope and opportunities for important events of this nature in towns like Oklahoma City, St. Louis, Albany, Des Moines, Omaha—and other towns of that type.

As a member of Variety yourself, you are in position to refer to the record for the past three years—and you will notice that we have at all times attempted to make the local Club Rooms headquarters for all theatrical activities—birthday parties—and so on.

Dallas was particularly fortunate in being the recipient of the Charity Citation for the year 1944—and the presentation of this Award was the occasion of a great celebration . . . attended by the Governor, the Mayor, and other dignitaries. BUT . . . how many Clubs have such an opportunity—?

One of the weaknesses of our organization is the failure of the national organizations to take advantage of our club

rooms—such as the beautiful Quarters we have in the Blackstone Hotel in Chicago. While the sales managers' meetings of almost every company are held at the Blackstone—the Club Quarters themselves are not used.

The Variety Clubs are non-sectarian and are operated from a strictly non-profit standpoint . . . local autonomy prevails in all Clubs and the local charities are the ones supported. We have an obligation to see that events are held in the Club Rooms and that they are handled in a manner to reflect dignity to our Industry.

While you state that you, as a member of Variety, "resent the prostitution of the spirit of this institution and protest against the use of it in this manner" . . . and that your paper ventures to say it will have great opposition . . .

. . . may I say first—I respect your objection as a member of Variety . . . but want to tell you that the majority of the Tents located in Exchange Centers have approved this plan! Fifteen have voiced enthusiastic approval and only one Tent, Philadelphia, has voiced an objection as being opposed to the plan.

I have attempted to point out to Philadelphia, the same as I am to you—that this proposal definitely has merit . . . and that any gathering or event conducted in a dignified manner . . . even though paid for by Columbia, or any other concern, offers a splendid opportunity to tell the story of Variety—to tell of the activities of our Industry . . . during World War II . . . and during Peace Times. There is no thought of glamorizing or depicting the honoree as the lone hero!

You say you wonder if Bob O'Donnell was sold a bill of goods! I can only answer that by saying that when the proposition was presented to me I received it in the spirit in which it was intended—and considered the vast assistance it would be to Variety . . . knowing that it would be handled in a dignified and showmanship like manner.

Our good friend, Charlie Skouras, Chief Barker of the Los Angeles Tent, accepted this proposal in a most glowing and enthusiastic manner . . . outlining the way in which he wanted to handle the Hollywood event . . . taking into consideration the fact that it is the capitol of the Motion Picture Industry . . . stating he believed it should be done in an outstanding manner.

I can't help but have the thought that so long as fellows like Carter Barron in Washington—Charlie Skouras in Los Angeles—and all the rest of the fellows who have responded in an approving way—

—concur that we are not "prostituting Variety" but making a constructive effort to establish Variety and our Industry with the civic leaders in the respective communities—we cannot be too far wrong.

And—I still have hopes of having the one contrary vote being turned into an affirmative one.

Tents which are unheard from as yet are Charlotte, Dayton, Minneapolis, Columbus and Cleveland and Pittsburgh.

If you will again refer to my letter of December 18th, you will see that Variety is merely a co-sponsor . . . that there are two other national organizations—the Federation of Women's Clubs and the American Federation of Music Clubs participating.

(Continued on last page)

**"Bad Bascomb" with Wallace Beery,
Margaret O'Brien and Marjorie Main**
(MGM, no release date set; time, 110 min.)

Although it offers nothing novel, this large-scale Western should give fair satisfaction to most picture-goers. There are numerous thrilling as well as appealing situations throughout, but the story, which deals with the reformation of a notorious outlaw, is padded too much; there are whole stretches where it gives one the feeling of extreme slowness. With proper editing it could be livened up considerably. As the rascally but soft-hearted bandit, Wallace Beery is cast in the type of role for which he is best suited. Little Margaret O'Brien, as the child who brings about his reformation, is as winsome as ever. The by-play between Beery and Marjorie Main, an overbearing widow with romantic inclinations, provides a light comedy touch throughout. The strongest thrills occur towards the finish, where Indians make a vicious attack on the Mormon caravan:—

To escape arrest by Federal agents, Beery and J. Carrol Naish, his partner, a renegade white reared by Indians, take refuge with a band of Mormons trekking to Utah. Both men, in the guise of converts, are invited to join the caravan by Russell Simpson, the Apostle leader, who, in keeping with custom, orders them to work for unattached women. Beery soon finds himself attached to Marjorie, and Naish is appropriated by two sisters, old maids, who pamper him. A strong attachment springs up between Beery and Margaret, Marjorie's granddaughter. In time, Beery and Naish learn that the wagon train was carrying gold to finance the building of a hospital in Utah; they plan to steal the gold and make an escape. Meanwhile Margaret is taken ill and put to bed. The two men locate the treasure but Beery postpones the getaway to watch over Margaret. Naish, impatient, kills the Apostle leader and tries to steal the gold himself, but Beery chases him off. Angered, Naish goes into the hills and arouses a band of hostile Indians to attack the caravan. Beery, aware of Naish's plan, makes a desperate ride to a fort nearby to summon help, fully realizing that he was sacrificing his own freedom. He returns at the head of the rescuing regiment in time to halt the massacre and kill Naish. The Mormons saved, Beery bids them farewell and leaves with the soldiers to pay his debt to society.

William Lippman and Grant Garrett wrote the screen play, Orville O. Dull produced it, and S. Sylvan Simon directed it. The cast includes Frances Rafferty, Marshall Thompson, Connie Gilchrist and others. Unobjectionable morally.

**"A Close Call for Boston Blackie"
with Chester Morris**

(Columbia, Jan. 24; time, 60 min.)

Ordinary program fare; it is no better and no worse than the previous pictures in the "Boston Blackie" series, nor is it different in either story content or treatment. The formula is the same—Chester Morris becomes involved innocently in a crime and is compelled to track down the criminals in order to clear himself. There is the usual feud with Richard Lane, as the police inspector, and the dumb detective antics of Frank Sully. The plot is so far-fetched and confused that the melodramatic situations are more ridiculous than exciting. Emphasis is placed on the comedy, but the results are feeble:—

Lynn Merrick, Morris' old girl-friend, hides her

baby in his apartment and explains that she feared Robert Scott, her husband, just released from prison, might try to harm the child. Scott, who had trailed her to the apartment, is shot and killed mysteriously just as he tries to enter. Morris orders George E. Stone, his pal, to spirit Lynn and the baby out of the apartment, but he himself is caught by Police Inspector Richard Lane and arrested for the crime. Morris, protesting his innocence, manages to escape from Frank Sully, Lane's assistant, and in the course of events he discovers that Lynn did not have a child, and that she had intimated to Lane that he had been her former sweetheart and had fired the shot that had killed her husband. Further investigation convinces Morris that Lynn had set up an elaborate scheme to extort money from her wealthy father-in-law in exchange for his murdered son's "baby." Disguising himself as the father-in-law, Morris confronts Lynn in her home and offers her \$10,000 for the baby. When she demands a larger sum, Morris threatens to call the police, causing Erik Rolf, Lynn's accomplice, to reveal himself. In the ensuing fight, Rolf gains the upper hand over Morris and makes his escape, but he is caught in the lobby of the building by Lane, who had been trailing Morris. Rolf confesses that he had murdered Lynn's husband as part of their extortion plan.

Ben Markson wrote the screen play, John Stone produced it, and Lew Landers directed it.

Unobjectionable morally.

"Riverboat Rhythm" with Leon Errol

(RKO, no release date set; time, 65 min.)

A mediocre program comedy with music. Aside from the ardent Leon Errol fans, it will probably have little appeal for picture-goers in general because of the story's inanity. What is supposed to pass as comedy is nothing more than garrulosity and stupid slapstick, the sort that may draw laughs from children. The music, played by Frankie Carle and his Orchestra, is dragged in by the ear, but it is melodious and comes as a welcome relief from the nonsensical chases and the prattle. In short, it fails to entertain, amuse, or hold one in suspense and it has no human interest value:—

Errol, operator of a Mississippi showboat, is arrested by the sheriff of Frazier's Landing for putting on a show without a license. Just as Errol is taken into custody, Walter Catlett, a Southern Colonel, trips the sheriff into the river and instructs Errol to steam away. The boat, however, runs aground near a river-front hotel, the owner of which notifies the sheriff and demands that the boat be removed. Catlett appeases the owner by informing him that the boat was owned by an influential "Colonel Witherspoon." This news reaches the ears of Jonathan Hale, another Colonel, whose sister had been abandoned by "Witherspoon" thirty years previously; Hale had vowed to shoot him on sight. When the sheriff arrives on the scene, Errol, to evade him, disguises himself as a Southern Colonel only to be taken for "Witherspoon" by the irate Hale. There follows a series of chases, during which Errol dons and doffs the disguise, depending on whether he was being pursued by Hale or the sheriff. He is ultimately caught by Hale, but escapes harm when Hale's sister puts in a sudden appearance and claims him as her missing husband. Errol finds himself on the verge of an enforced honeymoon with a strange woman, but he is saved again by Catlett, who

appears and reveals himself as the missing "Witherspoon," and takes his bride in tow. With Errol's true identity revealed, the sheriff tries to arrest him, but Errol trips him into the river again and makes his escape.

Charles Roberts wrote the screen play, Nat Hold produced it, and Leslie Goodwins directed it. The cast includes Glenn Vernon, Ben Carter, Manton Moreland and others. Unobjectionable morally.

"The Hoodlum Saint" with William Powell
(MGM, no release date set; time, 91 min.)

A pretty good drama; it catches one's interest at the onset and never loses its grip. Revolving around a disillusioned veteran's exploits in amassing and losing a fortune, the story has deep human appeal, comedy, and pathos, presented in a manner that should appeal to the masses. The entertainment value lies mostly in the characterization by William Powell of the opportunist; he does excellent work, making the character charming, believable, and likeable. James Gleason, "Rags" Raglund, Frank McHugh, and the late Slim Summerville, as Powell's hoodlum friends, who keep him constantly faced with the problem of keeping them out of jail, provide some good comedy as well as dramatic situations. The romance between Powell and Esther Williams is charming:—

Returning to St. Louis from World War I, Powell finds his job as a newspaper reporter gone and no work in sight. Disillusioned, he determines to make good in a big way without regard for moral scruples. He crashes a society wedding and meets Charles Trowbridge, a newspaper publisher; Esther Williams, his niece; and Henry O'Neill, a utilities magnate, with whom Trowbridge had been feuding. Powell talks Trowbridge into hiring him to expose, through a series of newspaper articles, O'Neill's monopolistic tactics. The articles prove sensational, and Powell uses them to sell O'Neill the idea of changing his role from villain to public benefactor by offering his company's stock to the general public. The idea succeeds, and within a short time Powell is made vice-president of the company. He tries to resume his romance with Esther, whom he had neglected while amassing a fortune, only to learn that she had married another man. Disheartened, he becomes attentive to Angela Lansbury, a cafe singer. Meanwhile, to keep his hoodlum friends out of his life, Powell, as a gag, tells them to pray to St. Dismas, the "hoodlum saint," whenever they got into trouble; he secretly helps them, leading them to believe in St. Dismas' power for good. As a result, they start a St. Dismas fund for charity. The 1929 stock market crash wipes out Powell's wealth and that of his friends. Gleason, accepting his losses philosophically, persuades Powell to pray to St. Dismas for help. Shortly afterwards, he finds a newspaper job, but illness compels him to go to a sanitarium. Meanwhile his friends, sorely in need of money, are induced by Angela to join her in a plan to raise donations for the St. Dismas fund and to "skip" with the money. Gleason, fearing that his buddies would land in jail, appeals to Powell for help. Powell leaves his sick bed, and his pleas, augmented by Gleason's prayers to St. Dismas, cause Angela and the others to relent and turn back the funds. Esther, now a widow, reunites with Powell, happy in the thought that he had forsaken his desire for riches and had achieved his humanization.

Frank Wead and James Hill wrote the original

screen play, Cliff Reid produced it, and Norman Taurog directed it. The cast includes Lewis Stone and others. Unobjectionable morally.

"Sentimental Journey" with John Payne, Maureen O'Hara and Connie Marshall
(20th Century-Fox, March; time, 94 min.)

A fairly good drama of the tear-jerker variety; it should find favor mostly with women. It depends chiefly on the talents of seven-year-old Connie Marshall, a newcomer, for its entertaining quality, for the story itself is thin and slow-moving. Connie's wistfulness is so appealing and her acting so realistic that she moves the spectator to tears in some of the situations. She awakens deep sympathy by her efforts to fill the void in John Payne's life after the tragic death of his devoted wife. Payne's resentment of the child's intrusion in the midst of his grief is understandable, and his eventual acceptance of her as a necessary part of his life pleases one. Maureen O'Hara, as Payne's wife is appealing, as is William Bendix, as a family friend. It is, however, a somewhat depressing entertainment because of the unhappiness that Payne, a sympathetic character, is shown enduring:—

Maureen, an actress, happily married to Payne, a Broadway producer, tries to hide from him the fact that she was suffering from a serious heart ailment. One day, while strolling on the beach, she meets Connie, an orphan, and becomes intrigued by the child's imaginative mind because she was so much like herself, when she was a little girl. Aware that her days were numbered, Maureen decides to adopt the child so that Payne would not be lonely after her death. Payne consents to Connie's adoption, but he soon becomes resentful of her intrusion. Meanwhile Maureen quietly trains Connie to cater to Payne and care for him just as she did. But she soon realizes that the child's presence was interfering with her marriage, and decides to return her to the orphanage. The emotional stress, however, causes Maureen to suffer a heart attack, and before dying she makes Connie promise never to leave Payne. Maureen's death is a terrific blow to Payne, and the more Connie tries to take her place the more poignant becomes his grief. Maureen appears to Connie in a vision and explains to her the necessity of understanding and patience with Payne, but the child's efforts to imitate Maureen unnerve Payne so much that he scolds her. Heartbroken, Connie runs away. While waiting for the police to find her, Payne wanders into Maureen's room and discovers a phonograph record, made by her in anticipation of death, in which she tells Payne that Connie was the living link between them. Realizing that his attitude had hurt the child, Payne, aided by Bendix, goes in search of her and finds her on the beach where she first met Maureen. Won over by her warmth and sincerity, he takes Connie home and makes her promise never to run away again.

Samuel Hoffenstein and Elizabeth Rheinhardt wrote the screen play, Walter Morosco produced it, and Walter Lang directed it. The cast includes Sir Cedric Hardwicke, Mischa Auer and others.

Unobjectionable morally.

In the review of "The Bandit of Sherwood Forest," published in last week's issue, the release date was given as January 24. The correct release date is February 21.

Nothing you have stated—no argument you have presented—has so far changed my opinion . . . and I sincerely regret that you have used your splendid paper to damn my action—which was taken only with the thought of promoting the best interests of Variety and certainly not in the manner you have assumed.

In conclusion, I want to repeat that so long as I am Chief Barker of the Variety Clubs of America, any worthwhile recommendation or suggestion from any company will be considered . . . and if deemed worthy and advisable, will be presented to the respective Tents. In the final analysis, they are the ones who must make the decisions.

The only other paragraph of your editorial to which I can refer has been covered—the one in which you say other companies will be celebrating in one form or another and I am going to offer the name of Variety to advertise these companies. NO . . . not for advertising purposes—but for a celebration—YES!

Certainly no partiality will be shown—and should others desire to avail themselves of the Variety Club Quarters . . . and to eulogize Variety Clubs and the Industry—such a proposal would be given due and serious consideration.

I believe that when you see the booklet in which the Heart Reports will be presented at the forthcoming Convention—to be held in New York in May—you will realize that nothing has happened to the charitable spirit of the Variety Clubs . . . you will be convinced that it has been maintained unsullied . . . and you will realize that nothing has happened to mar this glorious part of our organization.

Sincerely,

R. J. O'DONNELL

ALLIED THEATRES OF MICHIGAN POINTS THE WAY

On February 11, 12, and 13, Allied States Association of Motion Picture Exhibitors will hold its annual meeting of the Board of Directors in New York City, at which time it will elect new officers and map its plans for the ensuing year.

According to the announcement made by Abram F. Myers, Allied's general counsel and chairman of the board, the tentative agenda includes his annual report, in which he will review the events of the past year as well as the problems the exhibitors will face this year; the directors' reports on economic conditions in their respective territories; a committee report on checking abuses with proposed remedies therefor; a report by the Caravan Committee on high film rentals and the steps taken to combat them; a committee report on the attitude of the distributors in reference to 16 mm. exhibition; and a discussion devoted to strengthening public relations and especially to increasing the effectiveness of the regional groups and the national group in handling matters affecting the independent exhibitors before municipal, county, state and national legislative and administrative bodies.

Mr. Meyers points out also in his bulletin that the recent "fall and winter conventions and membership meetings of Allied's regional associations have been the largest and most interesting for many years. With the war behind them, the independent exhibitors are showing a keen interest in industry problems and a desire to enlarge and strengthen their associations." He states that "cooperation among the Allied units is increasing and the purpose to extend this cooperation through National Allied to the other truly independent organizations included in the C.I.E.A. [Conference of Independent Exhibitor Associations] has been made clear," and that the action taken by the C.I.E.A., with reference to its refusal to participate in the formation of the Theatre Activities Committee, the proposed new national exhibitor organization, has already been approved by seven Allied units, as well as by several other regional associations in the C.I.E.A.

In connection with the stand taken by Allied Theatres of Michigan, Mr. Myers attached to his bulletin a statement

by Ray Branch, president of the organization. Read it; it is interesting:

"When the C.I.E.A. was assembled at Washington and took the stand that it could see no justification for the new proposed exhibitor organization, it did so for two reasons. First, because it could not see how any new formation could improve upon the successful operation of its own, and second, it could not truthfully admit that it was failing to satisfy its membership. Aside from the enumerated reasons, what else could be considered?

"There was nothing offered or proposed for the welfare of all exhibitors alike that was not being done or in prospect for the future. If Allied States Association and the C.I.E.A. have failed in anything, it is because they have not engendered enough enthusiasm among the regional units to cause them to come forward on a voluntary basis and contribute more financial assistance and moral support. It would not be possible for a new organization to embark upon a more constructive program that would benefit its membership, nor place them in a better position to command the respect of their patrons or those with whom they now enjoy business relations. Therefore, I again repeat that I can see no justification for the formation of a new organization.

"At a conference of the Board of Directors of Michigan held January 16th, a vote of confidence was expressed, and its delegate to the forthcoming Annual meeting was instructed to voluntarily increase its dues and pledge continuance of its membership. We have an organization now that can do all the things proposed if proper support is available and forthcoming. Therefore, in my humble opinion, this is just a test of strength among the units that support their National Organization."

Allied of Michigan is to be congratulated for its far-sighted action in backing up its vote of confidence with a voluntary increase in dues, for without proper financial support no organization can combat effectively the forces that work against the interests of independent exhibition. It costs money to send representatives to appear before different legislative committees on tax proposals and other matters, as well as to carry on promotional work.

Examine again the tentative agenda of Allied's annual board meeting and you will see that, although the agenda contains but a few of the important problems and topics that will be discussed and acted upon, they are enough to point up the constant need for strong independent exhibitor cooperation.

It has been pointed out frequently in these columns that one of the greatest protecting factors for independent exhibition is organization. Only by pulling together can the independents hope to put up an effective defense against hostile forces. And yet, there are any number of independent exhibitors who are blind to the need of organization; they either do not belong to an exhibitor unit, or, if they do, are lax in payment of dues as well as in taking some active part in their association's continuous efforts to protect their interests.

It is difficult to understand why any exhibitor is utterly indifferent to his own problems and interests, for his indifference makes the operation of his own business all the more trying.

Those who do not belong to an exhibitor association are, in effect, "mooching" on fellow exhibitors who, through payment of dues and through hard work, are bearing the burden in the continuing fight to better the lot of the independent exhibitor.

Other regional units will undoubtedly want to follow the lead of Allied of Michigan in giving additional financial assistance to their national association, but to do so they will need support. Those of you who have not yet joined an exhibitor unit should snap out of your indifference and do so at once! HARRISON'S REPORTS believes that you should join an Allied unit, but if for some reason you cannot or are unwilling to do so, join any other truly independent unit. And those of you who are behind in dues, pay up immediately! Otherwise you cannot expect your organization to function as it should to protect your interests.

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SATURDAY, FEBRUARY 16, 1946

No. 7

THE INEQUITIES OF SHIFTING SALES POLICIES

In recent weeks there has been a rising tide of exhibitor resentment against Paramount and Twentieth Century-Fox because of the alleged shifting sales policies both have adopted in regard to "The Lost Weekend" and "Leave Her to Heaven."

It seems that both companies believe that they had underestimated the grossing power of their respective pictures and had concluded deals with exhibitors upon terms that, in their opinion, are not commensurate with the pictures' value. Accordingly, each company has set out on a campaign to obtain revised terms from those to whom the picture had already been sold, and, in instances where deals were not concluded, each is demanding terms that are higher than those originally designated, including preferred and extended playing time.

In the case of Twentieth Century-Fox's "Leave Her to Heaven," a protest meeting was held by the independent exhibitor members of Allied Theatre Owners of New Jersey, on February 4, at which time the following resolution was adopted unanimously:

"WHEREAS, independent exhibitors of New Jersey have negotiated with 20th Century-Fox Film Corp. for the feature 'Leave Her to Heaven' and conducted such negotiations with the authorized representatives of the Fox Corporation; district manager, sales supervisors, and the salesmen in the New York exchange; and

"WHEREAS, the percentage terms offered by the Fox Corporation at the first conference were accepted by these exhibitors but were subsequently withdrawn by the Fox Corporation who demanded in addition that the feature be given preferred playing time designated by the Fox Corporation, which amended offer was again accepted by said exhibitors; and

"WHEREAS, this second offer was then also withdrawn by the Fox Corporation who demanded a higher percentage, which was also granted by the said exhibitors, but this offer too was withdrawn by the Fox Corporation, who then demanded in addition extra playing time, which demand was also granted by the said exhibitors and finally this fourth offer was also withdrawn by the Fox Corporation who then demanded a still higher percentage; and

"WHEREAS, in several instances the dates from several exhibitors were accepted and confirmed by the Fox Corporation who nevertheless refused to deliver the picture under the terms agreed to at that time and made said additional demands several days before play date, and in one instance tried to impose a split figure after the picture had played on straight percentage terms, stating that the exhibitor had made too much money; now therefore be it

"RESOLVED, that the independent exhibitors of New Jersey here assembled, declare their condemnation of the methods used by the 20th Century-Fox Film Corp. in selling the feature 'Leave Her to Heaven' and herewith record their protest against the shifting policies of this company and its bad faith in dealing with the independent exhibitors of New Jersey."

Tom Connors, distribution head of Twentieth Century-Fox, has disclaimed knowledge of the aforementioned allegations, and he has asserted that he would investigate

the matter. At this writing, he has not yet reported on his findings.

In the case of Paramount's "The Lost Weekend," that company's position is explained in the following letter from Charles Reagan, its distribution head, to Mo Wax, editor and publisher of the *Film Bulletin*:

"February 1, 1946

"Dear Mr. Wax:

"In response to the request contained in your letter of the 29th, I am glad to advise you of our position on the sale of 'The Lost Weekend' so that your readers may be thoroughly informed on the subject.

"It is true that we are now selling 'The Lost Weekend' at a higher sales classification than was originally designated for it.

"With the amazing box-office results of the first showings, it was unquestionably plain that we had grossly underestimated the public enthusiasm for the picture. Succeeding engagements clearly proved the error of our pre-release designation and we then knew that a reconsideration of its classification was not only justifiable by its abnormal strength but was to be expected.

"Our customers have been the first to recognize that the box-office performance is a reliable guide to its general price level when comparative grosses are so sensationally established as to defy reasonable question.

"Therefore, since the grossing certainty of 'The Lost Weekend' is widely accepted, we have corrected our mistake in instances where deals were not concluded. In such cases we are now selling the picture at its proper terms. Where contracts have been approved we are asking our customers to recognize voluntarily the unusual development on 'The Lost Weekend' and to agree to a revised deal in keeping with its performance. In those cases where this appeal is disregarded the picture will certainly be delivered under the terms of the contract already approved, and we hope there is no misunderstanding on this point.

"On sustained results, from situations of all types and sizes, 'The Lost Weekend' continues to surpass the highest grossing releases of the season, and I feel confident that your readers will fully understand our position."

Mo Wax's editorial comments regarding Mr. Reagan's explanation, which appeared in his *Film Bulletin*'s February 4 issue, are so meaningful, and the questions he asks are so pertinent, that HARRISON'S REPORTS takes the liberty of reproducing them, in part, for the benefit of its readers:

"There can be no argument with the claim that 'The Lost Weekend' is a box-office success, at least in the early runs . . . But there are vital points not covered in Mr. Reagan's otherwise candid letter which require clarification.

"Recognizing the desire of every distributor to obtain the highest possible returns for his product, it is yet pertinent to observe that this desire must be compatible with equity and respect for the customer's rights.

"That leads directly to a question of the ethics of withholding approval of contracts on a block of pictures for an abnormal period to await box-office results on one of the group. What of the fact that such a procedure impinges the exhibitor squarely upon the horns of an unhappy dilemma: either accept the increased terms asked by the distributor,

(Continued on last page)

**"Deadline at Dawn" with Susan Hayward,
Paul Lukas and Bill Williams**

(RKO, no release date set; time, 83 min.)

A fair murder mystery melodrama. The arty approach to the story may appeal to class audiences, but it is doubtful if the rank and file will find it to their liking. The plot is so improbable that it lacks conviction, and much of the dialogue, intended to convey to the spectator the philosophical beliefs of some of the characters, is so muddled that one does not understand what it means. Another drawback insofar as the masses are concerned is that most of the action is slow; it does not pick up speed until the final reels. Here and there the action is exciting and has moments of suspense, but on the whole it fails to grip one's attention, and the constant talk gives one the feeling that a stage play had been transplanted to the screen:—

Recovering after a drunken escapade, Bill Williams, a sailor on furlough, discovers a large sum of money in his pocket. He recollects that he had been fleeced in a crooked card game, after which he had accompanied Lola Lane, a cafe hostess, to her apartment to fix her radio; he assumes that he had stolen the money from her. Wandering into the dance hall, he meets Susan Hayward, a hardened taxi-dancer, and tells her of his dilemma. Impressed by his honesty and naiveness, Susan offers to accompany him to Lola's apartment to return the money. They find her murdered, and Williams, believing that he might have killed her, decides to give himself up. Susan insists that he wait. An examination of the apartment reveals to her that Lola had been a blackmailer, and, through different clues, she and Williams track down her victims, including Osa Massen, Constance Worth, and Jerome Cowan. But Susan is unable to pin the guilt on any one of them. Paul Lukas, a kindly, philosophical cab driver, joins Susan and Williams in their search for the killer. Meanwhile Joseph Calleia, Lola's gangster-brother, learns of her death and accuses Williams, but Lukas persuades him to withhold judgment and to help them find the killer. All are eventually picked up by the police, who compel Williams to admit that he might have murdered Lola during his drunken stupor. Just as he is arrested, Lukas clears up the mystery by revealing that Osa was his daughter, and that he had murdered Lola because she was trying to break up Osa's marriage. His troubles ended, Williams persuades Susan to give up her dance-hall life and to accompany him to his base in Norfolk—her home town.

Clifford Odets wrote the screenplay, Adrian Scott produced it, and Harold Clurman directed it. The cast includes Marvin Miller, Steven Geray, Joe Sawyer, Joseph Crehan and others.

Adult entertainment.

**"Murder in the Music Hall" with
Vera Hrubá Ralston and William Marshall**

(Republic, no release date set; time, 84 min.)

A fairly good murder-mystery melodrama, with several entertaining ice skating sequences thrown in for good measure. The spectator's attention is held throughout because of the mystery surrounding the murder, and of the fact that the guilty person's iden-

tity is not revealed until the very end. Since several persons are under suspicion one cannot be sure at any time as to the killer's identity, and the ending is somewhat of a surprise, for the one who had committed the crime is the one least suspected. The story itself is contrived in a far-fetched way, but the events leading to the solution hold one intrigued. The direction and performances are capable, and the production values good:—

After serving a five-year sentence for the accidental death of Vera Hrubá Ralston's skating partner, Edward Norris, a producer, invites her to his apartment. There he plays for the first time an original composition and, after professing his love, asks her to star in a new show he planned to produce. When she refuses, he attempts to blackmail her by threatening to involve her in the death of her partner. Later, Norris is found murdered under circumstances that point to Vera's guilt. William Marshall, Vera's sweetheart, determines to clear her, but circumstances compel him to confide Vera's predicament to Ann Rutherford, her understudy at the Music Hall ice show, and Helen Walker and Julie Bishop, fellow performers; years previously, Julie had accused Vera of stealing Norris away from her. In the course of events, Marshall learns that Nancy Kelly, a former skating star, now the wife of Jerome Cowan, a columnist, had visited Norris on the night of the murder, and that she, too, had been threatened with blackmail. To prove Vera's innocence, Marshall tries to pin the guilt on Nancy, but Cowan, who had been aware of his wife's predicament, establishes an alibi for her. Meanwhile Inspector William Gargan, who had been investigating the murder, narrows his suspects down to Vera, Julie, and Nancy, and after sifting the evidence comes to the conclusion that Vera was guilty. Just as he accuses Vera in her dressing room, she overhears Ann humming a tune, which she recognizes as the one Norris had played—for the first time—before his death. Faced by Vera, Ann confesses that she had killed Norris because she was secretly in love with him and had heard him profess his love for Vera.

Frances Hyland and Laszlo Gorog wrote the screen play, Herman Miliakowsky produced it, and John English directed it. The cast includes Jack LaRue and others.

Unobjectionable morally.

"Notorious Lone Wolf" with Gerald Mohr
(Columbia, Feb. 14; time, 64 min.)

Routine program fare. It is the first in Columbia's revived "Lone Wolf" series of crook melodramas and, as such, is a most inauspicious start. The story is a contrived, far-fetched affair that offends one's sense of logic, and it is given more to talk than to action. The familiarity of the treatment, and the lack of suspense, tends to lessen the spectator's interest in the outcome. Gerald Mohr, as the reformed jewel thief, is just passable; he lacks the suavity and finesse that Warren William lent to the role in the previous series. Eric Blore again enacts the part of the "Lone Wolf's" valet, and his comedy antics, mildly amusing at best, fail to compensate for the picture's overall tediousness:—

Soon after his return from the armed forces over-

seas, Mohr finds himself questioned by the police in connection with the theft of a famous sapphire. He learns that two Indian potentates were offering a fabulous reward for its return with no questions asked. Later, during a visit to a night-club operated by Dan Beddoe, Mohr finds the two potentates present and notices the sapphire in the elaborate headdress of Virginia Hunter, a dancer. Following her performance, Mohr goes to her dressing room and finds her murdered. Beddoe accuses him of the crime and holds him for the police, but Mohr manages to escape before their arrival. He disguises himself as a chauffeur, kidnaps the potentates, and takes them to the apartment of Janis Carter, his girl-friend, where he makes them captives. Together with Eric Blore, his valet, Mohr changes clothes with the Indian princes and, impersonating them, moves into their royal hotel suite and sets out on a campaign to catch the jewel thief, as well as Virginia's murderer. He soon learns that Ian Wolfe, a jewelry merchant and "fence" for Beddoe, had the sapphire in his possession. But before going to Wolfe's store to pick it up, Mohr and Blore, still disguised as the potentates, trick Beddoe into meeting them there by inferring that Wolfe meant to double-cross him. Beddoe falls into the trap, and Mohr, by means of a tiny radio hidden underneath Blore's garments, summons the police. Beddoe, realizing that he had been tricked, attempts a getaway, but the police arrive in time to apprehend him, not only for the theft, but also for the murder.

Martin Berkely and Edward Dein wrote the screen play, Ted Richmond produced it, and D. Ross Lederman directed it. The cast includes John Abbott, William Davidson and others.

Unobjectionable morally.

"Tarzan and the Leopard Woman" with Johnny Weissmuller

(RKO, no release date set; time, 72 min.)

Fairly good entertainment for the followers of the "Tarzan" series. The story, which revolves around "Tarzan's" pursuit of a jungle tribe of savage killers, has all the vigorous excitement of the previous pictures. Johnny Weissmuller's hair-raising adventures as he single-handedly annihilates the tribe will undoubtedly thrill the children, and the antics of Cheeta, the chimpanzee, should delight them. Even adult audiences should find it entertaining, in an amusing way, because of the many fanciful and wildly melodramatic situations:—

While visiting a jungle town with his wife and son (Brenda Joyce and Johnny Sheffield), Tarzan learns that a merchant caravan had been wiped out by leopards. Tarzan, knowing the ways of the big cats, doubts the story, but he is scoffed at by Lazar (Edgar Barrier), the half-breed public health officer. Unknown to Tarzan, Lazar had revived an ancient society among the natives, whose members, led by a high priestess (Acquanetta), wore leopard skins and iron claws, and preyed upon caravans passing through their sacred territory. Aware that Tarzan was a potential menace to her tribe, the high priest dispatches Kimba (Tommy Cook), a young boy, to spy on him. Kimba gains Tarzan's confidence and is taken on by him as a servant. One day Tarzan's son, while playing in the

jungle, witnesses an attack by the leopard men on a caravan carrying young girls to school. He races home with the news, and Tarzan sets out in pursuit. He manages to rescue the girls, but the leopard men overwhelm him and take him to their cave. Meanwhile another party of leopard men go to his home and seize his wife and son. While the high priestess makes arrangements to torture Tarzan and his family to death, Cheeta, the chimpanzee, unnoticed, frees Tarzan from his bonds. Aiding his wife and son to escape, Tarzan then starts a landslide that seals the entrance of the cave and destroys the sinister leopard men.

Carroll Young wrote the screen play, Sol Lesser produced it, and Kurt Neumann directed it. The cast includes Dennis Hooey and others.

Unobjectionable morally.

"Cinderella Jones" with Joan Leslie and Robert Alda

(Warner Bros., March 9; time, 88 min.)

Just a moderately entertaining comedy with some music; it will have to depend on the popularity of the players for its box-office chances. The story moves along swiftly, but it has little substance and is rather inane. The several musical numbers are neither pretentious nor exceptional, and the comedy, much of it in a slapstick vein, fails to provoke more than a few laughs. As a matter of fact, the players try hard to make more of the material than it really offers, but their efforts do not make much of an impression on the spectator. Moreover, the story lacks human appeal—no one does anything to awaken sympathy:—

Joan Leslie, a singer with Robert Alda's band, learns that she had inherited ten million dollars, and that, to qualify for the fortune, her uncle's will provided that she must be married on a certain date to a man whose I. Q. was at least 150. Although infatuated with Alda, Joan leaves him to search for an intelligent mate. To accomplish this, she enrolls in an all-male college, which accepts her as a student when she promises S. Z. Sakall, the chemistry professor, that she would donate funds for a new laboratory after marrying and winning her inheritance. But when William Prince, a handsome young professor, whom she finds romantically attractive, protests against her enrollment, Joan leaves the school and finds work in a local restaurant. Sakall, envisioning the loss of the laboratory, attempts to further a romance between them. Meanwhile Alda arrives in town and persistently presses his suit for her hand. The rivalry between Alda and Prince results in a number of brawls between them, in which Sakall becomes involved. Joan finds herself in a whirl trying to decide which one to marry, but, with her eye on her inheritance, she finally chooses Prince. On the final day on which she had to be married under the terms of the will, Joan discovers that Alda's I. Q. was in excess of 200. Delighted, and in love with him, she manages to become his bride in time to guarantee her fortune.

Charles Hoffman wrote the screen play, Alex Gottlieb produced it, and Busby Berkely directed it. The cast includes Julie Bishop, Edward Everett Horton, Charles Dingle and others.

Unobjectionable morally.

or pull out the whole block of pictures and create, at a late date, a void in his bookings?

"This appears to be exactly the disadvantageous situation in which Paramount placed some of its customers who bought the block containing 'The Lost Weekend' when it was first offered.

"Nor can another fact be tossed off lightly. The block in question included two top percentage pictures, which many of the accounts had either booked or already played and for which they had paid heavily when they learned of the revised terms for 'Weekend.' There can be no doubt that many of these exhibitors had looked to the alcoholic epic as the one picture in the block that would net them a good profit.

"This poses an important problem in exhibitor-distributor relations. Is there some unwritten law that the theatre is not allowed to make a good profit any more? Are the film companies to be granted the privilege of upping terms, whenever convenient to them, for the purpose of restricting an exhibitor's take to a fixed minimum?

"Paramount (or any of the other majors) seldom underestimate the value of their pictures; to the contrary. And it is not justification of the policy of overpricing to say that the exhibitor can come into the exchange to plead for a kick-back. We know some who are proud—yes, even those who are forced to follow the practice. What if, on occasion, the customer unexpectedly does get a 'buy'—must that be cause for up-ending the sales organization and creating ill-will by demanding extra money?

"Paramount does quite well financially, well enough to avoid the necessity for coming to its customers to ask for gratuities. We think that the exhibitor operating a moderate-size theatre is entitled to a good picture on outright terms once in a while, so that he will be compensated for the profit he did NOT make with some of those 40 percent specials . . ."

Mo Wax's condemnation of Paramount's "Lost Weekend" sales policy is justified, and some of his remarks could be applied with equal force to Twentieth Century-Fox for its attitude with "Leave Her to Heaven." HARRISON'S REPORTS is proud to take its stand besides Mo Wax.

It is high time the exhibitors determined to resist the distributor practice of shifting sales policies without regard for their customers rights—the right to look to the occasional capacity-drawing picture to absorb a part of the losses they suffer throughout the year, due either to reduced attendances caused by unfavorable weather conditions and other circumstances, or to the fact that a highly touted picture, for which they had paid high percentage terms and had given preferred playing time, failed to live up to its box-office promise.

The distributors themselves depend on the exceptional top-grossing pictures to make up the financial set-backs they suffer during the course of a year because some of the pictures undertaken did not turn out to be sterling attractions and did not, therefore, draw revenue that was commensurate with their cost. In such cases, the exhibitors, too, suffered. Why, then, do the distributors refuse to recognize that the exhibitors, too, must be given an opportunity to participate in the extra profits garnered from the occasional top-grosser?

GIVE THREE MINUTES OF YOUR SCREEN TIME

This week—February 16 to 24—the motion picture industry is joining in the observance of American Brotherhood Week, sponsored by the National Conference of Christians and Jews.

The industry's part in the observance, under the chairmanship of Spyros P. Skouras, will be marked by the nationwide exhibition of a three-minute trailer, "The American Creed," produced by David O. Selznick and starring James Stewart, Van Johnson, Shirley Temple, Eddie Cantor, Katharine Hepburn, Jennifer Jones, Walter Pidgeon, Ingrid Bergman, and Edward G. Robinson.

In order to gain the widest distribution in the shortest possible time, 10,000 free prints of this trailer are being made available to all exhibitors through National Screen Service's exchanges. Those of you who cannot obtain a print for showing during Brotherhood Week are asked to obtain one for showing on the week following.

The purpose behind this observance is to promote national unity and inter-racial good-will among Americans of all faiths. It is a worthy purpose, and the exhibitor, through the medium of his screen, can do his part in eliminating racial and religious intolerance from the American scene by showing the trailer at every performance.

REGARDING PROPAGANDA IN MOTION PICTURES

THE CHICAGO THEOLOGICAL SEMINARY
5757 University Avenue
Chicago

Fred Eastman, Litt.D.
Biography, Literature, Drama

January 10, 1946

Mr. P. S. Harrison, Editor
Harrison's Reports
1270 Sixth Avenue
New York 20, N. Y.

My dear Mr. Harrison:

For many years I have been following weekly your editorials and have usually found myself in hearty agreement with them wherever they concern the public policies of the Motion Picture Industry. But in your issue of December 29, you take the position that Mr. Harry Warner was unwise or impractical when he said, "Motion pictures can show the people of every nation how much their own welfare is dependent on the scientific, cultural and industrial achievements of the other nations. They can dramatize the fundamentals of the world today . . ." You conclude your editorial with the old stereotype, "Let the motion picture continue its natural role—that of entertaining people."

It is entirely unlike you to use such a stereotype and to attack Mr. Warner or any other producer who may be trying to stir up the Motion Picture Industry to its peculiar social responsibilities in these critical days.

It is not a question of propaganda or entertainment. Everyone knows that the motion pictures have as one of their functions the entertainment of the public, but God help the pictures and the public if that is the only function the industry is going to recognize just now.

Here, on the University of Chicago campus, we have become acutely aware of the danger which civilization faces because of the atomic bomb. The scientists themselves are doing all in their power to educate the public to the fact that unless we create a world community as a basis for a world state which can control the uses of atomic energy, civilization is doomed. The nuclear scientists think that we have *but about five years* to build such a world community. This is a bigger job and a quicker one than public schools and religious organizations can accomplish. It can only be done by the media of mass education: motion pictures, press and radio. Just how they will do it the leaders of those industries must determine. They did marvelous work in informing the people concerning the dangers of fascism. Here is a far greater danger, but it also has a great promise—the promise of a better life for all of us if we can use *constructively* the power of the atom for industry, medicine, and human welfare, instead of for *human destruction*.

There is one other argument which ought to be conclusive, and that is that the Motion Picture Industry will not survive any longer than civilization survives. It behooves the Industry, therefore, for its own sake, as well as for humanity's, to devote a considerable part of its energies and talents to this crucial issue.

With kindest regards, I am,

As ever yours,

FRED EASTMAN

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A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING**Vol. XXVIII****SATURDAY, FEBRUARY 23, 1946****No. 8****ALLIED'S ANNUAL BOARD MEETING**

Jack Kirsch, head of Allied of Illinois, was elected president of National Allied at the annual meeting of the Board of Directors, held in New York on February 11, 12 and 13. He succeeds Martin G. Smith, head of the Independent Theatre Owners of Ohio. Harry H. Lowenstein, head of Allied of New Jersey, was elected secretary, succeeding Roy E. Harrold of Indiana. The following officers were reelected: Abram F. Myers, general counsel and chairman of the board; Pete J. Wood, Ohio, recording secretary; and William J. Ainsworth, Wisconsin, treasurer. All the members of the executive committee were reelected. They are: Col. H. A. Cole, Sidney Samuelson, M. A. Rosenberg, Nathan Yamins, Smith, Kirsch, and Myers.

A highlight of the meeting was the adoption and approval of a plan to eliminate theatre checking as now practiced. Details of the proposal are being withheld pending conferences with distributor representatives on the merits of the plan. It is understood, however, that the proposal calls for the elimination of checkers and the substitution of an auditing plan whereby an exhibitor's books will be audited by an accounting firm not affiliated with the distributors.

Other acts of the board included the adoption of a resolution opposing any attempts to coerce exhibitors into participating in drives and taking up audience collections; the approval and adoption, as its own, of the resolution adopted recently by Allied of Eastern Pennsylvania and by the ITO of Ohio, opposing further acquisition of theatres by the affiliated circuits pending final determination of the New York anti-trust suit; the ratification of the stand taken by the C.I.E.A. opposing formation of a post-war Theatre Activities Committee; and the adoption of a resolution protesting against the alleged distributor practice of withholding approval of film licenses until a few days before play-dates so as to demand higher terms from the exhibitor.

Other issues discussed at the meeting included the repeal of war tax rates on admissions; the attitude of the distributors as to what constitutes "competition" when they say that they will not license 16 mm. films in competition with established theatres; the recent developments in Television; film rentals; and the economic conditions and outlook in the several territories covered by the Allied regional units.

If every independent exhibitor could observe the thoroughness with which the Allied Board discussed the different trade problems, and the steps they took to combat practices that are detrimental to the interests of independent exhibition, he would be convinced that very little goes on in this industry that escapes the attention of the alert Allied leaders. Their constructiveness, their tirelessness in battling against abuses that threaten the very existence of independent exhibition, entitle these leaders to the undivided support and thanks of every independent exhibitor in the country.

A SENSIBLE DECISION

Herbert Yates, Sr., president of Republic Pictures, is a sensible man. Whenever he makes any decisions, they are based on common sense, and are prompted by practical considerations.

The January 31 issue of *Daily Variety* quotes him as having decided not to sell Republic pictures in foreign countries until the foreign distributors make payment for them in dollars, in New York. He feels that conditions are so unsettled in foreign countries that, without a guarantee that payment for the pictures will be forthcoming, the risk of losing the investment is too great.

That Herbert Yates' decision is sensible may be evidenced by the recent incident in France. The American

distributors had 500,000,000 francs in accumulated profits because the French Government forbade the export of exchange, and when the French Government devalued the franc by fifty per cent the American distributors lost one-half of the money they had on deposit with the French banks.

The trouble between the American picture industry and some of the European governments would be settled in no time if the American distributors told the recalcitrant government that no American pictures would be sent to that country until it played fair with American pictures and the income from those pictures. And without the import of pictures produced in the United States, exhibition in that country would be dealt a blow.

Apropos with this discussion is another matter that should be given thought—that of rushing to Latin-American countries and building studios for the production of Spanish-language pictures. Aside from the fact that the local producers may resent the encroachment of their field by citizens of the United States, there is the danger of losing the studios with their valuable equipment by expropriation in the event some radical government comes into power. And losing such properties to rival producers will do the American industry no good.

**DOUGLAS FAIRBANKS, JR.,
TOLD THE TRUTH**

Speaking to members of the Hollywood Women's Press Club at a recent meeting, Douglas Fairbanks, Jr., said that Hollywood is "in bad" with the rest of the world, because of the poor quality of the pictures it has been producing.

According to the *Hollywood Reporter* of January 24, Brian Donlevy took issue with Mr. Fairbanks and said:

"I get sick and tired of hearing people knock Hollywood and the motion picture industry simply because it seems to be the fashionable thing to do. If everyone else were as well aware of the world's problems as the film industry has proven itself to be, we would most certainly be living in a better world today.

"I would like to remind Mr. Fairbanks that when the world was saying that Hitler was not to be feared, Hollywood was turning out pictures like 'Confessions of a Nazi Spy,' 'Mortal Storm' and other pictures that showed the scourge of Nazism and Fascism. . . ."

The remainder of Mr. Donlevy's statement was in the same vein.

If Mr. Donlevy had understood Mr. Fairbanks, he would not have made the unpardonable error of criticizing him for something he had not said. Mr. Fairbanks stated that Hollywood is discredited abroad because of the poor quality of pictures it has been producing. He did not intimate that Hollywood was not alive as to its responsibilities so far as awakening the world of the danger from Nazism as well as Fascism. Mr. Donlevy should have confined himself to disproving Mr. Fairbank's statement about the quality of pictures Hollywood has been producing.

Recently I had the opportunity of discussing the same matter with a prominent managing director of a theatre situated in a large city, and what he said to me bears out Mr. Fairbanks.

"Of the five million persons that have been released from the armed forces," my friend said, "nine out of ten of them are so sick of the Hollywood pictures that they don't want to see another as long as they live. That is what those I had come in contact with have told me. Never in the history of the picture industry has the quality sunk so low. And the producers had better look out, for the lush times are about over."

"Young Widow" with Jane Russell and Louis Hayward

(United Artists, March 1; time, 100 min.)

Because of the great amount of publicity Jane Russell has received in recent years, this drama may draw fairly well at the box-office, but as entertainment it is just fair; discriminating patrons may find it tiresome. The story, which deals with the emotional problems of a young widow, whose husband had been killed overseas, is thin and familiar, and it unfolds in just the manner one expects. Moreover, it is slow and draggy. Some of the situations are forced and a great effort has been made to bring forth tears, but it rarely succeeds in really affecting one's emotions. Miss Russell photographs well and is attractive, but as an actress her lack of experience is obvious; her characterization is a highly sympathetic one, but she fails to make it dramatically effective:—

Bewildered and heartbroken when her husband is killed overseas, Jane, a newspaperwoman, goes to live on a Virginia farm, where both had spent many happy hours. The familiar surroundings serve only to intensify her grief, and she decides to return to her job in New York. On the train, she meets Louis Hayward, an audacious Army flier, who tries unsuccessfully to flirt with her. Arriving in New York, she goes to live with Penny Singleton, a close friend, who shared her apartment with Marie Wilson, a "dizzy" show-girl, whose dates with numerous servicemen kept the household in an uproar. Hayward follows Jane there and persists in his attentions until she reveals that she had just been widowed. His apologetic manner softens her resistance to him, and before long a close friendship springs up between the two, marking a renewed interest in life for her. Hayward, deeply in love with her, proposes marriage, but she remorsefully declines his offer because of her inability to set aside the yearning love she still felt for her departed husband. Understanding her feelings, Hayward presses his suit no further. But on the following day, when Jane learns that he had been ordered to fly to Japan, she realizes her love for him; she rushes to the airport, arriving in time to wave him farewell with a promise to wait for his return.

Richard Macaulay and Margaret Buell Wilder wrote the screen play from the novel by Clarissa Fairchild Cushman. Hunt Stromberg produced it, and Edwin L. Marin directed it. The cast includes Kent Taylor, Cora Witherspoon, Connie Gilchrist and others. Unobjectionable morally.

"The Madonna's Secret" with Francis Lederer, Ann Rutherford and Gail Patrick

(Republic, Feb. 16; time, 79 min.)

A somber but interesting program murder-mystery melodrama, artistically produced; it is good enough to top a double-bill wherever this sort of picture is liked. The atmospheric settings, competent direction, and capable performances set the proper mood for a story of this type, and it holds one's attention throughout because of the plot's interesting developments. The murderer's identity is concealed until the very end, and its revelation comes as a complete surprise. Although the action lacks excitement, it holds one in suspense, for one is never sure whether the hero, who shows symptoms of being a psychopathic case, committed the crimes or not. The romantic interest plays an important part in the proceedings:—

Francis Lederer, a moody Parisian artist working in New York, employs Linda Sterling as his model but paints the face of his former Paris model, who had been murdered mysteriously years previously. When Linda resents his painting of the dead model's face, Lederer, realizing that she had fallen in love with him, promises to paint her portrait. Following completion of the painting, Linda celebrates the occasion with Lederer and his mother, Leona Roberts. In the morning she is found murdered—poisoned and drowned in the same manner as the French model. Edward Ashley, a dramatic critic who knew Lederer in Paris, informs the police of the sameness of the crimes, indicating that Lederer slew the girls for inspiration. Lederer is arrested but released for lack of evidence. Determined to avenge the death of Linda, Ann Rutherford, her sister, assumes another identity and obtains employment as Lederer's new model. But she soon finds herself in love with him, and becomes convinced of his innocence. When Gail Patrick, a wealthy divorcee, takes an interest in Lederer, Ann suffers pangs of jealousy. Shortly afterwards, Gail is found mur-

dered in the same fashion as the others. Lederer, arrested, informs Ann that he suffers lapses of memory and expresses a belief that he might have committed the murders. Ann protests his self-suspicion and vows to help him prove his innocence. Lederer's mother, realizing that Ann loved her son dearly, takes the distracted girl to her home to rest. There, the old lady drugs Ann and, after revealing that she had committed the murders to keep her son's life free of romantic entanglements, prepares to kill her. The police, who had been following Ann, break into the house and shoot the old lady before she can make Ann her fourth victim.

Bradbury Foote and William Thiele wrote the screen play, Stephen Auer produced it, and Mr. Thiele directed it. Adult entertainment.

"A Yank in London" with Anne Neagle, Rex Harrison and Dean Jagger

(20th Century-Fox, March; time, 106 min.)

Restrained performances by the cast, coupled with the sentimental appeal of the story, makes this British-made romantic drama fairly good entertainment. It was released originally in England under the title, "I Live in Grosvenor Square." The story, a love triangle, has considerable human interest, and all the characters are sympathetic. It revolves around an American soldier in London, an English noblewoman, and her fiancé, a British soldier-politician. The manner in which the American wins the aristocratic heroine's love, and the gallantry with which the fiancé accepts his loss, result in situations that are warm and charming and, at times, deeply moving. The ending, where the American sacrifices his life in order to avoid a crash landing in an English village, is tragic. Intermingled in the drama are deft touches showing how the British, at first resentful of the American soldiers and their ways, took them to their hearts. The story takes place before V-E Day and, except for one fleeting combat scene, it is void of war action:—

Arriving in London, Dean Jagger, a waist gunner in the USAAF, is billeted in the home of an English Duke (Robert Morley), who, fascinated by Jagger's American mannerisms, invites him to spend the weekend at his country estate. There, Jagger meets Anne Neagle, the Duke's daughter, and Rex Harrison, her fiancé, a British officer seeking election to public office. Anne and Jagger fall in love, but she does not reveal this to Harrison lest it upset him emotionally and interfere with his election campaign. Harrison, however, senses her feelings for Jagger and, following his defeat on election day, he gallantly bows out of her life so as not to interfere with her happiness. Jagger's efforts to keep Anne from learning that he was endeavoring to be put on active combat duty result in a misunderstanding between them, and she resumes her friendship with Harrison. But the gallant rival, realizing that her heart was with Jagger, contrives to bring them together again. Their reconciliation comes to a tragic end, however, when Jagger, returning from a mission with a damaged plane, sacrifices his life in order to prevent his plane from crash landing in the midst of an English village.

Maurice Cowain wrote the screen play, Herbert Wilcox produced and directed it, and Max Greene was associate producer. Unobjectionable morally.

"Live Wires" with the Bowery Boys

(Monogram, Jan. 12; time, 65 min.)

Good program fare. In spite of the fact that the story is hardly worth writing about, this first of Monogram's new "Bowery Boys" series is a decided improvement over the last series, in which virtually the same players were featured as the "East Side Kids"; it has better production values, tighter direction, and the comedy situations are much more imaginative and amusing. As in the other pictures, Leo Gorcey dominates the proceedings and he is very effective; his antics cause one to laugh frequently, even though they are nonsensical. His encounter with Mike Mazurki, a gangster twice his size, provides the picture with some of its most hilarious moments:—

Due to his quick temper and his attraction for women, Gorcey cannot hold on to a job. Pamela Blake, his sister, induces John Eldredge, her employer, to hire him but he quits after a fight with the supervisor. Together with Huntz Hall, his pal, Gorcey obtains employment as a process server for an auto financing company, and he does so well that he is assigned to track down an auto theft racket headed by unidentified gangsters, whom the police had been unable to

apprehend. In the course of his investigation, Gorcey tangles with Mike Mazurki, one of the gangsters, from whom he is rescued by his pals and the police, but not before he learns that Eldredge, Pamela's employer, was secret head of the racket. Meanwhile Eldredge, aware that Gorcey and the police were closing in on him, makes elaborate plans to leave the country and tricks Pamela into agreeing to accompany him. Gorcey and the police, however, apprehend him at the airport.

Joseph Mischel wrote the screen play, Jan Grippo produced it, and Phil Karlson directed it. The cast includes Bobby Jordan, William Benedict, Claudia Drake, Patti Brill and others. Unobjectionable morally.

"Dragonwyck" with Gene Tierney, Walter Huston and Vincent Price

(20th Century-Fox, April; time, 103 min.)

One can find little fault with the production that Darryl Zanuck has given this picture, but it is doubtful entertainment for the masses. It is a psychological drama, and as such may prove of interest to intellectuals. But as far as the picture-goer of the rank and file is concerned, the action is too slow and draggy, and the plot tends to make him feel morbid. It is an extremely depressing story of the unhappiness that comes into the life of a young farm girl when she becomes the second wife of a murderous, pathological landowner, driven mad by his thwarted desire to have a son. One feels sympathy for Gene Tierney, as the second wife, but this is not enough to sustain one's interest, since the story is developed in a ponderous, time-worn way. It may, however, do fairly well at the box-office, since it is adapted from the best-selling novel of the same name. The action takes place in 1844:—

Gene, a spirited girl living on a modest Connecticut farm with her parents (Walter Huston and Anne Revere), persuades her father to let her live with Vincent Price, a distant, wealthy cousin; Price had requested that Gene serve as companion to his six-year-old daughter (Connie Marshall), in return for the advantages of living at Dragonwyck, his palatial Hudson River estate. At Dragonwyck, Gene finds that Price's tenant farmers, led by Glenn Langan, a young doctor, were rebelling against paying rents and tribute to Price for lands they and their families had farmed for years. She notices also that a coolness existed between Price and his wife (Vivian Osborne), a sickly woman, and that Connie was detached from her parents. Price falls in love with Gene and, following the sudden death of his wife from an illness Langan could not diagnose, he asks her to marry him and reveals that his life with Vivian had been unhappy because she had borne him a daughter instead of a son. Dazzled by his proposal, and sympathizing with him, Gene marries Price. In due time she bears him a son, who dies at childbirth. As a result, Price's feelings towards her undergo a change; he becomes sullen, locks himself in an attic room, and takes to drugs. Unknown to all, Price had killed Vivian by means of a poisonous plant placed in her room; he adopts the same method to rid himself of Gene. Meanwhile Connie, concerned over Gene's failing health, appeals to Langan for help. Through a chance remark made by the child, Langan discovers Price's deathly scheme; he rushes to Dragonwyck in time to rescue Gene. Price, by this time insane, is shot to death by the tenant farmers as he tries to evade arrest.

Joseph L. Mankiewicz wrote the screen play and directed it. The cast includes Spring Byington, Henry Morgan and others. Unobjectionable morally.

"The Catman of Paris" with Carl Esmond

(Republic, no release date set; time, 65 min.)

To the followers of horror melodramas who care little about credulity in stories, this should prove satisfactory program fare; it is eerie enough, and a mood of suspense is sustained fairly well throughout, despite its lack of physical action. The story deals with reincarnation, the principal character being a young author, who is under the delusion that he turns into a "catman" while suffering mental lapses. But there is nothing startling or novel about the fantastic tale, and its treatment follows a well-worn pattern. Most of the situations demand that the spectator stretch his imagination to a considerable degree. It has been given a better production than most pictures of this species:—

Carl Esmond, a successful French author, returns from the Orient suffering from a strange illness that leaves him

with lapses of memory. Shortly after his return, Paris is terrorized by a "catman," who commits two fiendish murders by clawing his victims to death. The commission of both crimes occur under circumstances that point the finger of suspicion on Esmond. Suspected of being the "catman," Esmond is attacked by a group of Parisian citizens while he dines with Lenore Aubert, his sweetheart. The two escape from the restaurant, and Lenore hides him in her home. On the following day, Douglas Dumbrille, Esmond's best friend and sponsor, spirits him away from the police to a chateau in the country. Lenore, aware that Esmond was under the delusion that he was the "catman," courageously accompanies him to prove to herself and him that he was not the satanic creature he believed himself to be. That night, as she prepares to retire, a cat-faced man leaps at her through an open window. The timely arrival of the police saves her from a horrible death. As the "catman" lies dying, his features change into that of Dumbrille, who reveals that, upon his death, he will have gone through his ninth and last reincarnation, thus releasing Esmond from the amnesia spells he had cast over him as a cover up for his own crimes.

Sherman L. Lowe wrote the screen play, Merck M. Libkov produced it, and Lesley Selander directed it. The cast includes Adele Mara, Gerald Mohr, Fritz Feld and others. Adult entertainment.

ABRAM F. MYERS' ANNUAL REPORT TO THE ALLIED BOARD

(continued from back page)

the Schine and Crescent Cases if he abandoned the suit against the Big Eight in that condition. Moreover, the Department of Justice is committed by numerous statements in Court and in the press to a policy of accepting nothing short of the full measure of relief prayed for in its petition. Nevertheless, it is inevitable that, in such circumstances, another effort would be made to stay the Attorney General's hand and the independent exhibitors and public groups should be alert to detect and oppose any such movement.

"Meantime, the way is being paved for a favorable consideration of the case by the Supreme Court almost as though Fate had ordained it. The former decisions of that Court in the Interstate and Crescent Cases both have a bearing on the issues in the suit against the Big Eight. It is probable that the judgments in the Schine and Goldman Cases will come before the Court for review before the Big Eight Case reaches there. And last week the Bigelow (Jackson Park) Case came on for final hearing. In that case the Government filed a brief as *amicus curia* in support of the petition for certiorari; also a short but very powerful brief on the final argument. If the Supreme Court reverses the judgment in the Bigelow Case—and I think it will—not only will another precedent have been set but the way will have been opened for independent exhibitors to recover seven-fold the losses inflicted upon them by the affiliated chains by means of suits under Section 7 of the Sherman Act. But the important point is that by the time the Big Eight Case is docketed on appeal, the Supreme Court will have a comprehensive grasp of conditions in the motion picture industry and will know what to do about them.

"Independents should be prepared to submit recommendations. Some sort of order will have to be entered by the District Court; and if the Court should direct that it extend to the challenged trade practices, the independent exhibitors should be prepared to offer definite recommendations. At the Bretton Woods meeting the C.I.E.A., as a matter of tactics, approved the Attorney General's proposals for a revised Consent Decree. This was ratified by this Board at the time and re-affirmed by the Board at the Columbus and Pittsburgh meetings. The peculiar circumstances which made it expedient to approve those proposals in 1944 and 1945 no longer exist. It seems to me that it might be well for the organized independent exhibitors to re-examine the proposals on their merits, uninfluenced by considerations of strategy. I do not mean to imply that in approving the proposals Allied or C.I.E.A. took a false position as to any particular item; the question is whether, in deference to the Attorney General's position the independents withheld recommendations which they might otherwise have made. The proposals no longer have any standing since they were rejected by the defendants and, lacking any agreement on a revised decree, the Attorney General brought the case on for trial."

(continued next week)

ABRAM F. MYERS' ANNUAL REPORT TO THE ALLIED BOARD

The following report was made by Abram F. Myers, Allied's general counsel and chairman of the board, at the annual meeting of the Board of Directors, held in New York on February 11, 12 and 13.

HARRISON'S REPORTS reproduces the report in full, because of the importance of the questions and problems that Mr. Myers touched upon.

"*Outstanding events.* Trial of the Government's anti-trust suit against the Big Eight and the emergence of the Conference of Independent Exhibitors' Associations as a clearing house for all truly independent exhibitor organizations were the milestones of motion picture history in 1945.

"*The suit goes to trial.* It has long been evident that the reforms necessary to correct abuses would not be forthcoming until there had been a judicial review of basic industry organization and practices. Experience has demonstrated the futility of negotiating with the affiliated interests for the relinquishment of special privileges which they have come to regard as vested rights. And even if differences could have been composed as between the parties to such negotiations, the industry still would have remained in an exposed position, never knowing when or where the legal lightning would strike.

"Allied has never swerved from its position that the case should be tried on its merits, for that is the only way in which a judicial determination could be secured. At the Columbus meeting a year ago the Board urged the Attorney General to petition the Court for *ad interim* relief and for an order setting the case for trial on a day certain. The General Counsel was authorized to offer the Court a brief as *amicus curia* in support of such petition, in case it was filed. The Attorney General having taken the necessary step, such a brief was offered not merely in the name of Allied, but in the name of C.I.E.A., and it was received by the Court.

"The case was set for trial on October 8 and the Department of Justice made an extensive field investigation in preparation therefor. During the summer it came to our attention that a determined effort was being made in certain quarters to head-off the trial. The Board is acquainted with the counter-measures taken by Allied and the other bodies comprised in C.I.E.A., and of the effective work done by certain public groups which formerly had supported the Neely Bills. Copies of correspondence forwarded to me showed that by early September the Attorney General had given assurances the case would go to trial; and, as you all know, it did go to trial on schedule.

"*An unemotional trial.* After Judge Goddard had indicated that he would not make a favorable ruling on the Government's application for a temporary injunction the Attorney General filed a certificate under the Expediting Act thereby transferring jurisdiction of the case to a statutory three-judge Court to be named by the senior Circuit Judge. This was an unusual procedure inasmuch as the case had been pending before Judge Goddard for so many years. But to close observers of the proceeding it seemed a necessary step. In their view Judge Goddard's adverse rulings on virtually all motions by the Government—especially the motion to compel certain defendants to disgorge theatres acquired subsequent to the Consent Decree—, his comments during the opening statements when the case first came on for hearing in 1940, and his indulgence of defense counsel in their dilatory tactics, raised a serious doubt as to his impartiality in this case. It was surprising that he was named to, and consented to sit on, the statutory Court which ousted him of his jurisdiction.

"At a preliminary (pre-trial) hearing before the three-judge Court, Judge Hand, the presiding judge announced very firmly that the tying up of so many Federal judges on a single case imposed a hardship on the Second Circuit and that, therefore, the case would have to be tried very quickly. At this stage Government counsel announced that he would submit a documentary case and would call no witnesses. This came as a surprise to all; but to none more than to the defense attorneys who had examined the records of all prospective exhibitor witnesses with a microscope in preparation for cross-examination. Judgment as to the wisdom of this decision should be withheld until the case has been finally decided; until we have the findings of the Court and its comments on the evidence.

"Thus the Government's case as presented was wholly devoid of color, and, despite the lengthy opening statements on both sides the presentation left the Court largely in the dark as to the issues. Following the presentation of

this 'blind case' the defendants called a large number of witnesses whose testimony consisted mainly of blanket denials of the charges of the Government's petition. These witnesses were special pleaders, their testimony was largely argumentative, and this gave the defendants a considerable advantage. By the end of the trial the Court had learned nearly all it knew about the case from the lips of the general sales managers and circuit heads. The Court had before it the tremendous task of studying hundreds of documents in the light of the briefs and the final arguments.

"The C.I.E.A. on December 3 authorized the preparation and submission of a brief as *amicus curia* on final argument. The brief was prepared, printed and submitted, but leave to file it was denied. A brief offered by the Society of Independent Motion Picture Producers met with a like fate. While this was disappointing, it is believed that the briefs served their purpose. Judge Goddard had raised the question whether there were any complaints against the defendants. The two briefs were an effective answer to his query; their submission and the action of the Court thereon are a part of the record which ultimately must go to the Supreme Court.

"*Decision not indicated.* Early in Mr. Wright's opening argument on final hearing Judge Hand observed that 'to upset all the ownership of theatres . . . is an extremely drastic remedy that I should think was extremely unlikely for this Court to give.' This statement has been seized upon by unidentified spokesmen for the defendants and by certain—but not all—trade papers as indicating a sweeping victory for the defendants, or at most, a slap on the wrist. Of course, if Judge Hand had announced his decision at that stage he would not be fit to be a judge. The transcript shows that after making the quoted remark, Judge Hand went on to say: 'But that is merely a first-impression by myself, and I have got to study this thing very carefully in other ways than just by reading through the briefs once . . .' An equally significant remark by Judge Hand, during the argument by Mr. Seymour (Para.), seems to have been overlooked. Wright had called attention to the remarkable agreements under which Fox West Coast operates the theatres of other defendants in San Francisco. That had made an impression on the Court which Seymour was seeking to overcome. But before he could launch into the subject Judge Hand said: 'Now before you do that, I am not entirely clear why the Government does not or that it should not, if there is a violation of the Sherman Act in this West Coast situation, ask for relief against it in this case. You say that inter-state commerce is not involved. I should think it probably was.' And after Seymour had minimized the importance of the formula deals made by Paramount with the Evergreen Circuit, Judge Bright asked him: 'Are there any formula deals with exhibitors other than those of the defendants, associated or affiliated with the defendants?' To which Seymour replied: 'So far as I know there are not, your Honor.' By that time the Court was catching on.

"Wright's reply argument, covering 59 printed pages, was easily the outstanding performance of the entire trial. The Court still was in a fog about most of the practices, and was testing his position with searching questions concerning others, but Wright came through without making any concessions. The Court clearly tried to force him to suggest some form of remedy short of divorcement and dissolution but he stood his ground. Certainly he destroyed any notion that provisions of the Consent Decree could be continued with or without adjudication of law violation, unless the Government agreed thereto—and in his brief and argument, he made it plain that the Government could not agree. And he pointed out the absurdity of permitting the defendants to retain their great holdings and power whilst stripping Crescent and Schine of their lesser holdings. He said: 'If we were wrong in the Schine and Crescent cases, we were wrong here; but it seems to me the Supreme Court has said that we were right in those cases.' And he referred to the remark of some unnamed cynic, when the Crescent and Hartford decisions came down on the same day: 'Well, if you are dealing with a medium size organization, you can take it apart and give effective relief, but the minute you get something big, the Courts shy away from it.'

"*Supreme Court must decide.* Since the determination to press the case was reached, I do not think anyone has supposed that the decision of the District Court would be the last word. Should that Court grant effective relief, it is a moral certainty that the defendants will appeal. If that Court should merely hand them a parking ticket—as one trade paper suggested—the Attorney General would be in honor bound to appeal. He could not justify his position in

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HARRISON'S REPORTS

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RELEASE SCHEDULE FOR FEATURES

Columbia Features

(729 Seventh Ave., New York 19, N. Y.)

7022 Crime Doctor's Warning—Warner Baxter	Sept. 27
7029 Girl of the Limberlost—Nelson-Clifton	Oct. 11
7201 Blazing the Western Trail—Starrett (55 m.)	Oct. 18
7024 Voice of the Whistler—Dix-Merrick	Oct. 30
7036 Prison Ship—Lowery-Foch	Nov. 15
7202 Lawless Empire—Charles Starrett (58 m.)	Nov. 15
7010 Snafu—Parks-Lloyd	Nov. 22
7023 My Name is Julia Ross—Foch-Macready	Nov. 27
7018 Hit the Hay—Canova-Hunter	Nov. 29
7019 Life With Blondie—Singleton-Lake	Dec. 13
7012 One Way to Love—Carter-Morris	Dec. 20

7203 Texas Panhandle—Starrett (55 m.)	Dec. 20
7005 Pardon My Past—MacMurray-Chapman	Dec. 25
7035 Out of the Depths—Bannon-Hunter (formerly "Strange Voyage")	Dec. 27
7014 Meet Me on Broadway—Reynolds-Falkenburg	Jan. 3
Tars and Spars—Blair-Drake	Jan. 10
A Close Call for Boston Blackie—Morris	Jan. 24
Frontier Gun Law—Charles Starrett (59 m.)	Jan. 31
The Notorious Lone Wolf—Mohr-Carter	Feb. 14
Roaring Rangers—Charles Starrett (55 m.)	Feb. 14
Bandit of Sherwood Forest—Wilde-Louise	Feb. 21
The Gentleman Misbehaves—Massen-Stanton (formerly "The Lady Misbehaves")	Feb. 28
Just Before Dawn—Baxter-Roberts	Mar. 7
So Dark the Night—Geray-Cheirel	Mar. 14
Throw a Saddle on a Star—Western Musical	Mar. 14
Perilous Holiday—O'Brien-Warrick	Mar. 21
Gunning for Vengeance—Charles Starrett	Mar. 21
Talk About a Lady—Jinx Falkenburg	Mar. 28

Metro-Goldwyn-Mayer Features

(1540 Broadway, New York 19, N. Y.)

Block 13

600 Our Vines Have Tender Grapes—Robinson-O'Brien	Sept.
601 The Hidden Eye—Edward Arnold	Sept.
602 Abbott & Costello in Hollywood	Oct.
603 Her Highness & the Bellboy—Lamar-Walker	Oct.
604 Dangerous Partners—Craig-Hasso	Oct.

Block 14

606 What Next, Corporal Hargrove?—Walker-Wynn	Nov. Dec.
607 She Went to the Races—Craig-Gifford	Nov. Dec.
608 Vacation from Marriage—Donat-Kerr	Nov. Dec.
610 Yolanda and the Thief—Astaire-Bremer	Nov. Dec.
609 They Were Expendable—Montgomery-Wayne	Nov. Dec.

Block 15

611 The Harvey Girls—Garland-Hodiak	Jan. Feb.
612 Portrait of Maria—Foreign cast	Jan. Feb.
613 Up Goes Maisie—Sothorn-Murphy	Jan. Feb.
614 A Letter for Evie—Hunt-Carroll	Jan. Feb.
615 Sailor Takes a Wife—Allyson-Walker	Jan. Feb.

Specials

605 Weekend at the Waldorf—All star	Oct.
616 Adventure—Gable-Garson	Feb.

Monogram Features

(630 Ninth Ave., New York 19, N. Y.)

464 Riders of the Dawn—Jimmy Wakely (58 m.)	Nov. 3
458 Frontier Feud—J. M. Brown (54 m.)	Nov. 24
452 Drifting Along—J. M. Brown (60 m.) (re.)	Jan. 26

(End of 1944-45 Season)

Beginning of 1945-46 Season

561 Lonesome Trail—Jimmy Wakely (55 m.)	Dec. 8
501 Sunbonnet Sue—Storm-Regan	Dec. 8
508 Black Market Babies—Morgan-Loring	Dec. 15
505 Allotment Wives—Francis-Kelly (re.)	Dec. 29
565 Border Bandits—J. M. Brown (57 m.)	Jan. 12
516 Strange Mr. Gregory—Lowe-Rogers (re.)	Jan. 12
509 Live Wires—Bowery Boys	Jan. 12
528 Face of Marble—Carradine-Drake	Jan. 19
513 The Red Dragon—Sidney Toler	Feb. 2
572 Moon Over Montana—Jimmy Wakely	Feb. 16
527 The Shadow Returns—Kane-Richmond	Feb. 19
552 The Haunted Mine—J. M. Brown	Feb. 23
507 Fear—William-Cookson	Mar. 2
503 Swing Parade of 1946—Storm-Regan	Mar. 16

Paramount Features

(1501 Broadway, New York 18, N. Y.)

Block 1

- 4501 Duffy's Tavern—Ed GardnerSept. 28
 4504 Love Letters—Jones-CottonOct. 26
 4503 The Lost Weekend—Milland-WymanNov. 16
 4502 Follow That Woman—Gargan-KellyDec. 14

Block 2

- 4506 Hold That Blonde—Bracken-LakeNov. 23
 4507 Stork Club—Hutton-FitzgeraldDec. 28
 4508 People are Funny—Haley-LangfordJan. 11
 4509 Kitty—Milland-GoddardJan. 25

Block 3

- 4511 Tokyo Rose—Barr-MassenFeb. 8
 4512 Masquerade in Mexico—Lamour-DeCordova Feb. 22
 4513 Miss Susie Slagle's—Lake-TuftsMar. 8

Block 4

- 4516 The Virginian—McCrea-DonlevyApr. 5
 4517 The Blue Dahlia—Ladd-LakeApr. 19
 4518 They Made Me a Killer—Lowery-Britton....May 3
 4519 The Well-Groomed Bride—DeHavilland-MillandMay 17

Special

- 4531 Road to Utopia—Crosby-Hope.....Mar. 22

PRC Pictures, Inc. Features

(625 Madison Ave., New York 22, N. Y.)

- Club Havana—Neal-LindsayOct. 23
 Prairie Rustlers—Buster Crabbe (58 m.)....Nov. 7
 Song of Old Wyoming—Dean-Holt (67 m.)..Nov. 12
 The Navajo Kid—Bob Steele (59 m.).....Nov. 21
 Detour—Neal SavageNov. 30
 Enchanted Forest—Lowe-JoyceDec. 8
 How Do You Do?—Bert Gordon.....Dec. 24
 Strangler of the Swamp—LaPlanche-Barrat...Jan. 1
 Lightning Raiders—Buster Crabbe (66 m.)...Jan. 7
 Danny Boy—Robert "Buzzy" Henry.....Jan. 8
 Six Gun Man—Bob Steele (59 m.).....Feb. 1
 Ambush Trail—Bob Steele (60 m.).....Feb. 17
 The Flying Serpent—Zucco-Kramer.....Feb. 20
 I Ring Doorbells—Gwynne-Shayne.....Feb. 25
 Mask of Dijon—Von Stroheim-Bates.....Mar. 7
 Romance of the West—Eddie Dean (58 m.)..Mar. 20
 Terror on Horseback—Buster Crabbe.....Mar. 20
 Murder is My Business—Beaumont-Walker...Apr. 10

Republic Features

(1790 Broadway, New York 19, N. Y.)

- 561 Phantom of the Plains—Bill Elliott (55m.) ..Sept. 7
 551 Bandits of the Badlands—
 Sunset Carson (56 min.)Sept. 14
 501 Scotland Yard Investigator—Smith-
 Von StroheimSept. 30
 562 Marshal of Laredo—Bill Elliott (56 min.) ..Oct. 7
 552 Rough Riders of Cheyenne—Sunset Carson
 (56 min.)Nov. 1
 502 Girls of the Big House—Roberts-PowersNov. 2
 563 Colorado Pioneers—Bill Elliott (55 m.).....Nov. 14
 504 Captain Tugboat Annie—Darwell-Kennedy ..Nov. 17
 503 An Angel Comes to Brooklyn—Dowd-Duke .Nov. 27
 507 Woman Who Came Back—Kelly-Loder.....Dec. 13
 553 The Cherokee Flash—Sunset Carson (55 m.)..Dec. 13
 564 Wagon Wheels Westward—Bill Elliott (56m.)..Dec. 21
 505 Dakota—Wayne-RalstonDec. 25
 506 Song of Mexico—Mara-Barrier.....Dec. 28
 509 Gay Blades—Lane-Ashley.....Jan. 25
 508 A Guy Could Change—Lane-Frazee.....Jan. 27
 565 California Gold Rush—Elliott (56 m.).....Feb. 4
 554 Days of Buffalo Bill—Carson (56 m.).....Feb. 8
 510 The Madonna's Secret—Lederer-Patrick.....Feb. 16
 551 Crime of the Century—Bachelor-Browne....Feb. 28

RKO Features

(1270 Sixth Ave., New York 20, N. Y.)

(No national release dates)

Block 2

- 606 Man Alive—O'Brien-Drew-Menjou
 607 First Yank Into Tokyo—Neal-Hale
 608 Isle of the Dead—Karloff-Drew
 609 Wanderer of the Wasteland—Warren-Long
 610 The Spanish Main—Henreid-O'Hara

Block 3

- 611 The Spiral Staircase—Brent-McGuire.....
 612 Cornered—Dick Powell
 613 Dick Tracy—Conway-Jeffreys
 614 Sing Your Way Home—Haley-Jeffreys.....
 615 Hotel Reserve—English cast.....

Block 4

- 616 From This Day Forward—Joan Fontaine
 617 Deadline at Dawn—Hayward-Lukas
 618 Tarzan and the Leopard Woman—Weissmuller....
 619 A Game of Death—Loder-Long
 620 Riverboat Rhythm—Leon Errol

Specials

- 681 Along Came Jones—Cooper-Young
 651 Wonder Man—Danny Kaye
 691 Wonderful Adventures of Pinocchio—(reissue)
 661 Bells of St. Mary's—Crosby-Bergman
 682 Tomorrow is Forever—Colbert-Welles-Brent

Twentieth Century-Fox Features

(444 W. 56th St., New York 19, N. Y.)

- 609 The Dolly Sisters—Grable-HaverNov.
 611 And Then There Were None—
 Fitzgerald-HustonNov.
 612 Fallen Angel—Faye-AndrewsDec.
 613 The Spider—Conte-MarloweDec.
 617 Doll Face—O'Keefe-Blaine (re.).....Jan.
 610 Col. Effingham's Raid—Coburn-Bennett.....Feb.
 620 Behind Green Lights—Landis-Gargan.....Feb.
 615 Shock—Price-Bari (reset).....Feb.
 618 Jesse James—ReissueFeb.
 619 Return of Frank James—ReissueFeb.
 616 A Walk in the Sun—Andrews-Conte (re.)Mar.
 621 Sentimental Journey—Payne-O'HaraMar.
 622 A Yank in London—English madeMar.

Specials

- 602 Wilson—Knox-FitzgeraldAug.
 614 Leave Her to Heaven—Tierney-Wilde.....Jan.

United Artists Features

(729 Seventh Ave., New York 19, N. Y.)

- Getting Gertie's Garter—O'Keefe-McDonaldNov. 30
 Blithe Spirit—English castDec. 14
 Spellbound—Bergman-PeckDec. 28
 Abilene Town—Scott-DvorakJan. 11
 Whistle Stop—Raft-GardnerJan. 25
 Diary of a Chambermaid—Goddard-Meredith....Feb. 15
 Breakfast in Hollywood—Tom Breneman.....Feb. 22
 Young Widow—Russell-Hayward.....Mar. 1
 Johnny in the Clouds—English CastMar. 15
 The Outlaw—Russell-BuetellNot Set

Universal Features

(1270 Sixth Ave., New York 20, N. Y.)

- 508 This Love of Ours—Oberon-Rains.....Nov. 2
 509 Crimson Canary—Beery, Jr.-CollierNov. 9
 510 The Daltons Ride Again—Curtis-Taylor...Nov. 23
 1103 Trail to Vengeance—Grant-Knight (54m)Nov. 30
 511 House of Dracula—Chaney-AtwillDec. 7
 512 Pillow of Death—Chaney-JoyceDec. 14
 513 Frontier Gal—De Carlo-Cameron.....Dec. 21
 514 Scarlet Street—Robinson-BennettDec. 28
 515 Girl on the Spot—Collier-Barker.....Jan. 11
 516 Because of Him—Durbin-Laughton.....Jan. 18
 1104 Gun Town—Grant-Knight (53 m.).....Jan. 18
 517 Terror by Night—Rathbone-Bruce (re.)....Feb. 1
 518 Idea Girl—Barker-BishopFeb. 8
 519 The Seventh Veil—English castFeb. 15
 520 Little Giant—Abbott & CostelloFeb. 22
 521 Notorious Gentleman—Taylor-GreyMar. 1
 522 Tangier—Montez-Paige (reset)Mar. 8
 523 The Man in Grey—English castMar. 15
 524 Spider Woman Strikes Back—Sondergaard-
 GrantMar. 22
 525 House of Horrors—Goodwin-LoweryMar. 29
 526 Madonna of the Seven Moons—English cast.Apr. 5
 527 Blonde Alibi—Neal-O'DriscollApr. 12
 528 So Goes My Love—Loy-AmecheApr. 19
 529 Night in Paradise—Bey-OberonMay 3
 530 Strange Conquest—Wyatt-GilmoreMay 10
 531 She Wolf of London—Haden-PorterMay 17

Warner Bros. Features

(321 W. 44th St., New York 18, N. Y.)

505 Mildred Pierce—Crawford-Carson-Scott	Oct. 20
506 Confidential Agent—Boyer-Bacall	Nov. 10
507 Too Young to Know—Leslie-Hutton	Dec. 1
508 Danger Signal—Emerson-Scott	Dec. 15
509 San Antonio—Errol-Flynn	Dec. 29
510 My Reputation—Stanwyck-Brent	Jan. 26
511 Three Strangers—Greenstreet-Lorre	Feb. 16
512 Burma Victory—Documentary	Feb. 16
513 Cinderella Jones—Leslie-Alda	Mar. 9

SHORT SUBJECT RELEASE SCHEDULE**Columbia—One Reel**

7751 Phoney Baloney—Fox & Crow (7 min.)	Nov. 1
7901 The Magic Stone—Panoramic (10 m.)	Nov. 8
7853 Screen Snapshots No. 3 (9 min.)	Nov. 15
7803 Cadet Cagers—Sports (8½ min.)	Nov. 22
7653 Community Sings No. 3 (10 min.)	Nov. 29
7854 Screen Snapshots No. 4 (9 m.)	Dec. 13
7953 Morale's Copacabana Orch.—Film Vodvil (11 m.)	Dec. 13
7804 Mermaids' Paradise—Sports (9½ m.)	Dec. 20
7654 Community Sings No. 4 (11 m.)	Dec. 20
7855 Screen Snapshots No. 5 (9 m.)	Jan. 17
7655 Community Sings No. 5 (10 m.)	Jan. 17
7805 Rasslin' Romeos—Sports (9½ m.)	Jan. 24
7601 Catnipped—Flippy (7½ m.) (reset)	Feb. 14
7856 Screen Snapshots No. 6 (9½ m.)	Feb. 15
7656 Community Sings No. 6 (9 m.)	Feb. 21
7954 Three Sets of Twins—Film Vodvil (10 m.)	Feb. 28
7657 Community Sings No. 7	Mar. 7
7857 Screen Snapshots No. 7	Mar. 15
7902 Strange Hunter—Panoramic	Mar. 21
7501 Rivver Ribber—Col. Rhap. (6 m.) (reset)	Apr. 5

Columbia—Two Reels

7432 A Miner Affair—A. Clyde (19 min.)	Nov. 1
7402 Micro-Phonies—3 Stooges (17 min.)	Nov. 15
7423 Calling All Fibbers—V. Vague (16½ min.)	Nov. 29
7433 High Blood Pressure—Schilling-Lane (19 m.)	Dec. 6
7434 A Hit with a Miss—S. Howard (16 min.)	Dec. 13
7140 Who's Guilty?—Serial (15 episodes)	Dec. 13
7435 Spook to Me—A. Clyde (17 min.)	Dec. 27
7403 Beer Barrel Polecats—Stooges (17 m.)	Jan. 10
7436 The Blonde Stayed On—Andy Clyde (16½ m.)	Jan. 24
7424 When the Wife's Away—Herbert (17 m.)	Feb. 1
7425 Hiss and Yell—Vera Vague (18 m.)	Feb. 14
7404 A Bird in the Head—Stooges (17 m.)	Feb. 28
7405 Uncivil War Birds—Stooges (17 m.)	Mar. 7
7437 Mr. Noisy—S. Howard (16½ m.)	Mar. 21
7160 Hop Harrigan—Serial (15 chapters)	March

Metro-Goldwyn-Mayer—One Reel

W-732 Wild and Woolfy—Cartoon (8 m.)	Nov. 3
K-772 Stairway to Light—Passing Parade (10 m.)	Nov. 10
K-773 People on Paper—Pas. Par. (10 min.)	Nov. 17
T-712 Merida and Campeche—Traveltalk (8 m.)	Nov. 22
S-753 Bus Pests—Pete Smith (9 min.)	Dec. 1
S-756 Badminton—Pete Smith (10 min.)	Dec. 8
K-774 The Golden Hunch—Pas. Par. (10 min.)	Dec. 15
W-733 Quiet Please—Cartoon (8 m.)	Dec. 22
S-754 Sports Sticklers—Pete Smith (10 min.)	Jan. 5
K-775 Magic on a Stick—Pas. Par. (9 min.)	Jan. 19
S-757 Fala at Hyde Park—Pete Smith (10 m.)	Jan. 19
T-713 Land of the Mayas—Traveltalk (9 m.)	Jan. 26
S-755 Gettin' Glamour—Pete Smith (7 min.)	Feb. 2

Metro-Goldwyn-Mayer—Two Reels

A-701 A Gun in His Hand—Special (19 m.)	Sept. 15
A-702 Purity Squad—Special (20 m.)	Nov. 3

Paramount—One Reel

E5-1 House Tricks—Popeye (6 m.)	Nov. 2
L5-1 Unusual Occupations No. 1 (10 m.)	Nov. 9
R5-2 Paddle Your Own—Sportlight (9 m.)	Nov. 9
P5-1 The Friendly Ghost—Noveltoon (7 m.)	Nov. 16
Y5-1 Animal-ology—Speak. of Animals (9 m.)	Nov. 23
D5-1 Man's Pest Friend—Little Lulu (7 m.)	Nov. 30

J5-2 Popular Science No. 2 (10 m.)	Dec. 7
U5-2 My Man Jaspas—Puppetoon (7 m.)	Dec. 14
R5-3 Running the Team—Sportlight (9 m.)	Dec. 14
E5-2 Service with a Guile—Popeye (7 m.)	Dec. 21
P5-2 Old MacDonald's Farm—Noveltoon (7 m.)	Dec. 28
L5-2 Unusual Occupations No. 2 (11 m.)	Jan. 4
D5-2 Bargain Counter Attack—Little Lulu	Jan. 11
Y5-2 Hill Billies—Speak. of Animals (9 m.)	Jan. 18
R5-4 Good Dog—Sportlight (9 m.)	Jan. 18
U5-3 Olio for Jasper—Puppetoon	Jan. 25
E5-3 Klondike Casanova—Popeye (8 m.)	Feb. 1
J5-3 Popular Science No. 3 (10 m.)	Feb. 8
P5-3 Cheese Burglar—Noveltoon (7 m.)	Feb. 22
R5-5 Dixie Pointers—Sportlight	Feb. 22
L5-3 Unusual Occupations No. 3 (10 m.)	Mar. 8
E5-4 Peep in the Deep—Popeye	Mar. 15
U5-4 Together in the Weather—Puppetoon	Mar. 22

Paramount—Two Reels

FF5-1 Little Witch—Musical Parade (17 m.)	Oct. 26
FF5-2 Naughty Nannette—Musical Parade (20 m.)	Dec. 28
FF5-3 College Queen—Musical Parade (19 m.)	Feb. 15

Republic—Two Reels

581 The Phantom Rider—Serial (12 ep.)	Jan. 26
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RKO—One Reel

64301 Athletic Items—Sportscope (8 m.)	Sept. 7
64201 Flicker Flashbacks No. 1 (7½ min.)	Sept. 14
64302 Battling Bass—Sportscope (8 min.)	Oct. 5
64202 Flicker Flashbacks No. 2 (7 m.)	Oct. 19
64303 Ten Pin Titans—Sportscope (8 m.)	Nov. 2
671 The House I Live In—Sinatra (10 min.)	Nov. 9
64203 Flicker Flashbacks No. 3 (7 m.)	Nov. 23
64304 Arcaro Up—Sportscope (8 m.)	Nov. 30
64101 Canine Patrol—Disney (7 m.)	Dec. 7
64102 Old Sequoia—Disney (7 m.)	Dec. 21
63405 Ski Master—Sportscope (8 m.)	Dec. 28
64204 Flicker Flashbacks No. 4 (8 m.)	Dec. 28

RKO—Two Reels

63502 Sagebrush Serenade—West. Musical (19 m.)	Oct. 26
63101 Airline to Everywhere—This is America (17 m.)	Nov. 16
63202 Russian Dressing—Headliner Revival (18 m.)	Nov. 23
63503 Ranch House Romeo—Western Musical (reissue) (17 m.)	Nov. 30
63402 Mother-in-Law's Day—Ed. Kennedy (18 m.)	Dec. 7
63102 TVA—This is America (18 m.)	Dec. 14
63103 Great Lakes—This is Amer. (16 m.)	Jan. 11
63504 Rhythm Wranglers—Western Musical (reissue) (19 m.)	Jan. 18
63203 Twenty Girls and a Band—Head. Rev. (18 m.)	Jan. 18
63403 Trouble or Nothing—Ed. Kennedy (18 m.)	Jan. 25
63702 Maid Trouble—Leon Errol (18 m.)	Feb. 2

Twentieth Century-Fox—One Reel

6505 Who's Who in the Jungle-Gandy Goose—Terrytoon (7 m.)	Oct. 19
6254 Bountiful Alaska—Adventure (8 m.)	Oct. 26
6506 Mighty Mouse Meets Bad Bill Bunion—Terrytoon (7 m.)	Nov. 9
6352 Time Out for Play—Sports (8 m.)	Nov. 16
6507 The Exterminator-Gandy Goose—Terrytoon (7 m.)	Nov. 23
6255 Song of Sunshine—Adventure (9 m.)	Dec. 7
6508 Mighty Mouse in Krakatoa—Terrytoon	Dec. 14
6256 Louisiana Springtime—Adventure (8 m.)	Dec. 21
6509 The Talking Magpies—Terrytoon	Jan. 4
6257 The Lost Lake—Adventure (8 m.)	Jan. 11
6510 Svengali's Cat-Mighty Mouse—Terrytoon	Jan. 18
6401 The World Today—Special	Jan. 25
6301 Pins and Cushions—Sports (9 min.)	Feb. 1
6258 Along the Rainbow Trail—Adventure	Feb. 15
6512 Mighty Mouse in The Wicked Wolf—Terry	Mar. 8
6353 Diving Dandies—Sports	Mar. 15
6513 Mighty Mouse in My Old Kentucky Home—Terrytoon	Mar. 29
6201 Show Girls—Vyvyan Donner	Apr. 5
6259 Cradle of Liberty—Adventure	Apr. 26

Twentieth Century-Fox—Two Reels

- Vol. 12 No. 3—18 Million Orphans—
March of Time (17 m.) Nov. 2
- Vol. 12 No. 4—Justice Comes to Germany—
March of Time (20 m.) Nov. 30
- Vol. 12 No. 5—Challenge to Hollywood—
March of Time (18 m.) Dec. 28
- Vol. 12 No. 6—Life with Baby—
March of Time (21 m.) Jan. 25

United Artists—One Reel

- The Flying Jeep—Daffy Dittys (7½ m.) Aug. 20

Universal—One Reel

- 1344 Doctor of Paintings—Var. Views (9 m.) ... Nov. 5
- 1365 Front Line Artist—Per. Odd. (9 m.) Nov. 12
- 1345 Jungle Capers—Var. Views (9 m.) Dec. 10
- 1321 The Loose Nut—Cartune (7 m.) Dec. 17
- 1381 Sing and be Happy—Musical (10 m.) Feb. 18
- 1322 Poet and Peasant—Cartune (7 m.) Mar. 18
- 1366 Maestro of the Comics—Per. Odd. (9 m.) ... Mar. 18

Universal—Two Reels

- 1681-1693 The Royal Mounted Rides Again—Serial
(13 episodes) Oct. 23
- 1301 Solid Senders—Jan Garber—Musical (15 m.) Nov. 21
- 1302 Hot & Hectic—Tommy Tucker—
Musical (15 m.) Nov. 28
- 1303 Synco-Smooth Swing—Ted Fio Rita
—Musical (15 m.) Dec. 19
- 1304 Cuban Madness—Carlos Molina—Musical
(15 m.) Jan. 2
- 1305 Tin Pan Alley Tempos—Phil Ohman—Musical
(15 m.) Jan. 9
- 1306 Melody Stampede—Spade Cooley—Musical
(15 m.) Jan. 16
- 1781-1793 The Scarlet Horseman—Serial (13 ep.) Jan. 22
- 1307 Swing High Swing Sweet—Jan Savitt—Musical
(15 m.) Feb. 20

Vitaphone—One Reel

1944-45

- 1511 Arabian in the Rockies—Sports (10 m.) Aug. 25
- 1710 Bashful Buzzard—Looney Tune (7 m.) Sept. 15
- 1711 Peck Up Your Troubles—Looney Tune (7 m.) Oct. 20
- 1313 Busy Bakers—Hit. Parade (7 m.) Oct. 20
- 1725 Hare Tonic—Bugs Bunny (7 m.) Nov. 10
- 1712 Nasty Quacks—Looney Tune (7 m.) Dec. 1
- 1512 Days of '76—Sports (10 m.) Dec. 22
- 1713 Book Revue—Looney Tune (7 m.) Jan. 5
- 1513 Cavalcade of Archery—Sports (10 m.) Jan. 22
- 1726 Baseball Bugs—Bugs Bunny (7 m.) Feb. 2
- 1714 Holiday for Shoestring—Looney Tune (7 m.) Feb. 23
- 1715 Quentin Quail—Looney Tune (7 m.) Mar. 2
- 1716 Baby Bottleneck—Looney Tune (7 m.) Mar. 16
- 1717 Hare Remover—Looney Tune (7 m.) Mar. 23

(More to come)

Beginning of 1945-46 Season

- 2601 Spade Cooley—Mel. Mas. (10 m.) Sept. 1
- 2402 Miracle Makers—Varieties (10 m.) Sept. 1
- 2401 Alice in Jungleland—Varieties (10 m.) Sept. 22
- 2602 Here Come the Navy Bands—Mel. Mas.
(10 m.) Sept. 29
- 2603 Musical Novelties—Mel. Mas. (10 m.) Oct. 6
- 2403 Story of a Dog—Varieties (10 m.) Oct. 27
- 2501 Sports Go to War—Sports (10 m.) Nov. 10
- 2301 Sunbonnet Blue—Hit Parade (7 m.) Nov. 17

- 2801 Fashions for Tomorrow—Adventure (10 m.) Nov. 17
- 2404 So You Think You're Allergic—Varieties
(10 m.) Dec. 1
- 2604 Music of the Americas—Mel. Mas. (10 m.) ... Dec. 15
- 2302 Lyin' Mouse—Hit Parade (7 m.) Dec. 22
- 2303 Good Egg—Hit Parade (7 m.) Jan. 5
- 2802 In Old Sante Fe—Adventure (10 m.) Jan. 12
- 2405 Peaks at Hollywood—Varieties (10 m.) Jan. 26
- 2605 Headline Bands—Mel. Mas. (10 m.) Jan. 26
- 2502 Holiday on Horseback—Sports (10 m.) Feb. 2
- 2304 Trial of Mr. Wolf—Hit Parade (7 m.) Feb. 9
- 2503 Michigan Ski-Daddle—Sports (10 m.) Feb. 9
- 2606 Jan Savitt & Band—Mel. Mas. (10 m.) Mar. 16
- 2504 With Rod & Gun in Canada—Sports (10 m.) Mar. 16
- 2305 Little Lion Hunter—Cartoon (7 m.) Mar. 23
- 2505 Snow Eagles—Sports (10 m.) Mar. 30
- 2803 All Aboard—Adventure (10 m.) Mar. 30

Vitaphone—Two Reels

- 2103 All Star Musical Revue—Feat. (14 m.) .. Nov. 3
- 2104 Good Old Corn—Featurette (20 m.) Nov. 24
- 2001 Frontier Days—Special (20 m.) Dec. 28
- 2106 Hitler Lives?—Featurette (20 m.) Dec. 29
- 2002 Forest Commandos—Special (20 m.) Jan. 19
- 2105 Musical Shipmates—Featurette (20 m.) Feb. 16
- 2003 Movieland Magic—Special (20 m.) Mar. 9

NEWSWEEKLY**NEW YORK****RELEASE DATES****Pathe News**

- 65153 Sat. (O) ... Feb. 23
- 65254 Wed. (E) .. Feb. 27
- 65155 Sat. (O) .. Mar. 2
- 65256 Wed. (E) .. Mar. 6
- 65157 Sat. (O) .. Mar. 9
- 65258 Wed. (E) .. Mar. 13
- 65159 Sat. (O) .. Mar. 16
- 65260 Wed. (E) .. Mar. 20
- 65161 Sat. (O) .. Mar. 23
- 65262 Wed. (E) .. Mar. 27
- 65163 Sat. (O) .. Mar. 30
- 65264 Wed. (E) .. Apr. 3
- 65165 Sat. (O) .. Apr. 6

Paramount News

- 50 Thurs. (E) ... Feb. 21
- 51 Sunday (O) ... Feb. 24
- 52 Thurs. (E) ... Feb. 28
- 53 Sunday (O) ... Mar. 3
- 54 Thurs. (E) ... Mar. 7
- 55 Sunday (O) ... Mar. 10
- 56 Thurs. (E) ... Mar. 14
- 57 Sunday (O) ... Mar. 17
- 58 Thurs. (E) ... Mar. 21
- 59 Sunday (O) ... Mar. 24
- 60 Thurs. (E) ... Mar. 28
- 61 Sunday (O) ... Mar. 31
- 62 Thurs. (E) ... Apr. 4

Fox Movietone

- 50 Thurs (E) Feb. 21
- 51 Tues. (O) Feb. 26
- 52 Thurs. (E) Feb. 28
- 53 Tues. (O) Mar. 5
- 54 Thurs. (E) Mar. 7
- 55 Tues. (O) Mar. 12
- 56 Thurs. (E) Mar. 14
- 57 Tues. (O) Mar. 19
- 58 Thurs. (E) Mar. 21
- 59 Tues. (O) Mar. 26
- 60 Thurs. (E) Mar. 28
- 61 Tues. (O) Apr. 2
- 62 Thurs. (E) Apr. 4

News of the Day

- 248 Thurs. (E) ... Feb. 21
- 249 Tues. (O) ... Feb. 26
- 250 Thurs. (E) ... Feb. 28
- 251 Tues. (O) ... Mar. 5
- 252 Thurs. (E) ... Mar. 7
- 253 Tues. (O) ... Mar. 12
- 254 Thurs. (E) ... Mar. 14
- 255 Tues. (O) ... Mar. 19
- 256 Thurs. (E) ... Mar. 21
- 257 Tues. (O) ... Mar. 26
- 258 Thurs. (E) ... Mar. 28
- 259 Tues. (O) ... Apr. 2
- 260 Thurs. (E) ... Apr. 4

Universal

- 478 Thurs. (E) ... Feb. 21
- 479 Tues. (O) ... Feb. 26
- 480 Thurs. (E) ... Feb. 28
- 481 Tues. (O) ... Mar. 5
- 482 Thurs. (E) ... Mar. 7
- 483 Tues. (O) ... Mar. 12
- 484 Thurs. (E) ... Mar. 14
- 485 Tues. (O) ... Mar. 19
- 486 Thurs. (E) ... Mar. 21
- 487 Tues. (O) ... Mar. 26
- 488 Thurs. (E) ... Mar. 28
- 489 Tues. (O) ... Apr. 2
- 490 Thurs. (E) ... Apr. 4

All American News

- 174 Friday Feb. 22
- 175 Friday Mar. 1
- 176 Friday Mar. 8
- 177 Friday Mar. 15
- 178 Friday Mar. 22
- 179 Friday Mar. 29
- 180 Friday April 5

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Devoted Chiefly to the Interests of the Exhibitors

Its Editorial Policy: No Problem Too Big for Its Editorial
Columns, if It is to Benefit the Exhibitor.

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SATURDAY, MARCH 2, 1946

No. 9

AN UNDERSTANDING EXECUTIVE

Of the Hollywood first-rank executives, it seems as if the only one who understands the labor situation and has a remedy for it is Herbert Yates, Sr. In a recent interview with the *Film Daily*, he said that the remedy for the present union squabble is for the studios to shut down until such time as the union leaders get sense into their heads and bring peace to the production end of the picture industry.

Whether the other executives believe in such a stern measure or not, it seems as if they will be compelled, sooner or later, to adopt Yates' suggestion, for unless peace comes to the industry no studio will be able to produce pictures uninterruptedly.

Soon it will be impossible to produce pictures at a cost that will enable the producers to make a profit.

Of course, shutting down the studios is not an easy matter, for IATSE threatens to pull the projectionists from the theatres, thus shutting down the entire industry.

Though the present squabble is only jurisdictional and the studios are finding themselves in the middle, innocent bystanders, it is doubtful whether IATSE will dare pull the projectionists out of the theatre booths, for then the question will be brought to the public directly. The public will naturally resent it. And when public sentiment turns against a union, that union will have lost its battle.

Though the Conference of Studio Unions is in a better position as far as the public is concerned in that the issue is not close to them, they are in no position to strike, for last year's seven-month strike left its members practically broke. I know of cases where some of them had to beg for loans from employers. And a strike at this time will not be relished by either them or the others who were out for seven months.

It is coming to a point where the doctor must amputate a leg to save a life, and Herbert Yates has said it—"amputation" may have to be resorted to.

SELL THE PUBLIC FIRST, MR. SCULLY!

Quoting from a statement made by Bill Scully, of Universal, in a recent advertising insert that appeared in most of the trade papers:

"We think the time has come for all exhibitors to realize that pictures with universal entertainment appeal, no matter where they are made, have box-office potentialities.

"We are releasing . . . six English pictures, firstly, because they are very fine pictures and conform to any competitive standard of entertainment.

"Secondly, . . . because we feel that they will be commercially successful . . . if you augment the promotion effort we are planning to give them. . . ."

Mr. Scully is right when he says that good pictures, no matter where they are produced, have box-office potentialities, and he will have no difficulty in convincing the exhibitors that they are good.

But making himself, and the exhibitors, believe that the six English pictures Universal will release are very good is not enough; he must convince also the buying public. Without a belief on the part of the ticket buyer, the faith he and the exhibitors may have in the six pictures will not be enough to fill the seats.

Included in the aforementioned insert containing Mr. Scully's statement were five pages of beautiful advertisements extolling the virtues of these six pictures. If Mr. Scully should exert similar efforts to sell the public as he has exerted in trying to sell the exhibitors, all will be well. He knows from experience that an exhibitor does not care where a picture is produced—it may be Timbuctu or even the North Pole; he will book it and pay good film rental for it, provided it draws the public. It is there, then, where he and Universal must exert their honest-to-goodness efforts—to acquaint the public with the virtues of these pictures so that

they will go to see them. If he should do that, he need not concern himself with how the exhibitor feels towards them; he will book them.

SOME ONE SHOULD START A SELF-ADMIRATION SOCIETY

My friend Henderson Richey, MGM's exhibitor relations and sales promotion head, speaking to the salesmen and field exploitation men at the recent MGM convention in New York, praised the work they did toward the war effort.

Mr. Richey is right: the MGM people did contribute a great share in the winning of the war. But telling it to them means nothing to the industry as a whole—it is just as if we—every one of us in the picture industry—were patting one another on the back, telling one another what nice fellows we are.

Will that bring any additional dollars to the box-office when pictures are played, whether they be the pictures of MGM or of any other producer-distributor? Not a dime! The ones to know of what we have done should have been the public. But in acquainting them with our share in the war we have failed miserably.

Just think of it: in the *Motion Picture Daily* of February 1, the State Department is quoted as having said that it is delayed in the formulation of a plan of the motion picture phase of the new information service because the industry has failed to indicate what it wants.

ABRAM F. MYERS' ANNUAL REPORT TO THE ALLIED BOARD

(concluded from last week)

"*Emergence of C.I.E.A.* The Conference of Independent Exhibitors on the Consent Decree, formed on the initiative of Allied in 1944, held two meetings during the year: one in conjunction with the Allied Board in Pittsburgh on August 21 and again in Washington on December 3. At the Pittsburgh meeting it was proposed by representatives of the Pacific Coast Conference of Independent Theatre Owners that the scope of the organization be enlarged to include taxation and trade practices. There was general acquiescence in the thought that the organization should concern itself with matters of common interest on which the constituent organizations could agree. The General Counsel of Allied was designated to serve in a like capacity for the Conference and Mr. Yamins was named Treasurer. Counsel was authorized to name a committee to assist him in cooperating with Government Counsel (to the extent that such cooperation was acceptable) and in following the proceedings at the trial. The manner in which that work was carried on by the General Counsel, cheerfully and ably assisted by Jesse L. Stern, Chairman of the Conference, has been outlined in a series of bulletins and there is no need to repeat the story here.

"Stepping back to the Columbus Board meeting for a moment, it will be recalled that Allied more than a year ago adopted a policy in reference to the War Activities Committee. The Board paid tribute to the work done by W.A.C., with the cooperation of all elements of the industry, but declared that the inner council of the body was not representative of the industry as a whole and did not function in a democratic manner. The resolution concluded 'that the War Activities Committee, created for the war emergency, will have no reason for continued existence after the termination of the emergency.' Notwithstanding the views thus expressed, which seemed to be shared by a majority of the independent exhibitors with whom Allied had contact, a few members of that 'inner council' proposed the formation of a new exhibitor organization to carry on in peacetime the work done by W.A.C. during the war.

"A meeting of the C.I.E.A. was called for December 3,
(continued on back page)

"From This Day Forward" with Joan Fontaine and Mark Stevens

(RKO, no release date set; time, 95 min.)

A very good human-interest drama, with strong emotional appeal. The story, which has a veteran rehabilitation angle, is an inspiring one, for it shows the determination and courage of a young couple, in the face of hardships, to establish a home and family. It is the type of picture that should get considerable word-of-mouth advertising, for it will be appreciated by the masses, who will understand and sympathize with the young couple's heartaches and joys, which are depicted with so much realism that one feels as if the affairs of a real couple were unfolding. It has deep human appeal and a charming romance, and some comedy that is brought about in a natural manner. Mark Stevens, a newcomer, displays unusual talent and should make a strong impression; and Joan Fontaine confirms the fact that she is a fine actress. At all times the actions of the different characters seem real and natural. The story is set against a New York slums background, which has been reproduced with great care to details.

Unfolding in a series of flashbacks as Stevens, a returned veteran, awaits an interview at a U. S. Employment Office, the story opens in 1937 when Joan, Stevens' sweetheart, takes him to visit her sister (Rosemary DeCamp), who lived in the slums with her two children and her husband (Henry Morgan), a shiftless but good-natured fellow. Pointing to her squalid home, Rosemary warns Joan that marriage can be a dreary expanse of monotonous poverty, but when Stevens asks her to marry him Joan consents in the belief that their love could overcome all obstacles. Joan, following her marriage, continues working in a bookshop, while Stevens works in a factory. He loses his job within six months and seeks employment desperately but without success. They barely manage to make ends meet until one day Joan persuades her employer, who was preparing a book for publication, to buy a few of Stevens' sketches, a hobby at which he was adept. Their joy is shortlived, however, when the book is confiscated as obscene and both Stevens and the employer are arrested. Stevens, though innocent, is advised to plead guilty by Wally Brown, one of Joan's distant relatives and a "tin-horn" politician, who arranges for him to get a suspended sentence. Matters brighten up for the young couple when war is declared and Stevens secures a night-shift job. Shortly afterwards, he is drafted into the army. His thoughts returning to the present, Stevens secures assurance from the employment office that he would be given a job on the following day, and he returns home to Joan. There he learns that she was going to have a baby. Confident that they had survived too much to be defeated now, both face the future resolutely.

Hugo Butler wrote the screen play from the novel, "All Brides Are Beautiful," William Pereira produced it, and John Berry directed it. Jack Gross was executive producer. The cast includes Arline Judge, Renny McEvoy, Mary Treen, Queenie Smith, Bobby Driscoll and others. Unobjectionable morally.

"Little Giant" with Abbott and Costello

(Universal, Feb. 22; time, 91 min.)

Fair. Unlike the previous comedies in which Abbott and Costello have appeared, this one contains a minimum of slapstick and concentrates mostly on the antics of Costello, as a meek farm boy, who, after completing a correspondence salesmanship course, goes to the big city to seek a career. The story, of course, does not make much sense; but that is immaterial since the individual situations, despite their silliness, are comical, and the action is well paced. Costello is fairly good as the shy salesman, provoking considerable laughter with his familiar brand of humor and even winning the audience's sympathy.—

Upon completion of his salesmanship course, Lou Costello leaves his farm home and his girl (Elena Verdugo) to seek a career in Los Angeles. He secures a job as a vacuum cleaner salesman through George Cleveland, his uncle, bookkeeper for the firm. His first assignment is such a dismal failure that the general sales manager (Bud Abbott) fires him. Cleveland, feeling sorry for Costello, induces the branch manager (also Bud Abbott) at Stockton, Cal., to hire him. There the salesman makes him the victim of a mind-reading gag, leading him to believe that he possessed the power to read one's thoughts. His new-found confidence enables him to outsell the other salesmen and, because of his exceptional record, he is sent back to the Los Angeles office. Mistakenly believing that Costello really was a mind-reader, the general manager, who had been stealing from the firm, arranges with Jacqueline De Wit, his secret bride, to flirt with

Costello to learn just how much he knew. As a result, Costello becomes involved in a situation that leads both his sweetheart and the manager to believe that he and Jacqueline had been unfaithful to them. The manager cleverly uses the incident to chase Costello back to the farm. When he arrives home, Costello finds Pierre Watkin, the firm's president waiting for him. Watkin informs him that the manager had been exposed as a thief, and that as a reward for his (Costello's) outstanding salesmanship, he had been appointed a branch manager.

Walter De Leon wrote the screen play, Joe Gershenson produced it, and William A. Seiter directed it. The cast includes Brenda Joyce, Mary Gordon, Donald Macbride and others. Unobjectionable morally.

"Junior Prom" with Freddie Stewart, June Preisser and Judy Clark

(Monogram, no release date set; time, 69 min.)

This first of Monogram's new "Teen Ager" series is one of those program comedies with music that should find favor mostly with juvenile audiences, for the songs, dances, and music, are of the "jive" variety. The story, which revolves around a group of high school students and around the rivalry between two factions over a school election, is extremely thin, and its treatment follows a well-worn pattern. Moreover, it has an overabundance of "jive" talk, which is more annoying than amusing. But on the whole the story serves well enough as a framework for the musical highlights, which are the picture's main assets. Abe Lyman and his orchestra appear briefly in the proceedings:—

Freddie Stewart and Jackie Moran, students, are rival candidates for the office of class president. When Moran's wealthy father threatens to withhold his annual donation to the school unless his son is elected, Stewart withdraws from the campaign, but he re-enters it when Moran tries to date June Preisser, his girl-friend. Frankie Darro, Moran's campaign manager, gains the support of Noel Neill, June's sister and editor of the school paper, causing violent arguments between the two girls, because the school paper backed Moran. Stewart finds himself faced with certain defeat, but his friends decide to conduct a musical campaign in his behalf and their efforts win the election for him. Later, at a dance to honor the winner, Moran learns for the first time that his father had tried to swing the election. He persuades his father to make the donation and offers his congratulations to Stewart.

Erna Lazarus and Hal Collins wrote the screen play, Sam Katzman and Maurice Duke produced it, and Arthur Dreifuss directed it. The cast includes Eddie Heywood and his band, Harry Gibson and others. Unobjectionable morally.

"Strange Impersonation" with Brenda Marshall and William Gargan

(Republic, release date not set; time, 68 min.)

A fair program entertainment. Despite a somewhat far-fetched plot, as well as a lack of fast action, it manages to hold one's attention fairly well because of the sympathy one feels for the heroine, whose romance is dissolved and whose face is horribly disfigured due to the machinations of a jealous rival. It is not a cheerful entertainment. It ends, however, on a happy note, for it is revealed that what had happened had been a bad dream. This dream "device," which has been employed rather frequently in recent pictures, may disappoint some patrons, for the story loses most of its punch:—

Having discovered a new anesthesia, Brenda Marshall, a chemist, arranges to perform the first experiment on herself that evening, attended by Hillary Brooke, her assistant. Meanwhile William Gargan, her fiance and co-worker, learns that he must leave for France immediately; he asks Brenda to marry him and make the trip with him. She promises to give him an answer on the following day. That afternoon, Ruth Ford, an intoxicated woman, falls into the path of Brenda's car but is unhurt. Brenda, after taking the woman home, goes to her own apartment to prepare for the experiment. She instructs Hillary to take notes of her reactions and injects the anesthesia into herself. As soon as Brenda falls asleep, Hillary, who was in love with Gargan herself, causes the anesthesia fluid to explode in an attempt to burn Brenda to death. The explosion does not kill Brenda, but it disfigures her face. While Brenda lies in the hospital, Hillary maneuvers matters in a way that leads both Brenda and Gargan to believe that neither wanted to see the other. After several weeks in the hospital, Brenda, badly scarred, returns to her apartment. There she is confronted by Ruth, who tries to rob her at gunpoint. In the ensuing struggle the drunken woman topples over a balcony to her death,

and the police identify her body as Brenda's. Assuming the dead woman's identity, Brenda leaves New York and, while away, has plastic surgery used on her face, changing her original appearance. In the meantime, Hillary snares Gargan for her husband. Brenda, by this time suspicious of Hillary, returns to New York, and Gargan, not recognizing her, employs her as his assistant. She re-wins his love and reveals herself as Brenda. But Hillary, to save herself and to hold on to Gargan's love, cleverly convinces the police that Brenda was an impostor, and that she was "Brenda's murderer." Shocked at the turn of events, Brenda falls into a faint. She awakens to find herself in her old apartment with Hillary and Gargan sitting beside her, and realizes that it had all been a bad dream.

Mindret Lord wrote the screen play, William Wilder produced it, and Anthony Mann directed it. The cast includes George Chandler, Lyle Talbot, H. B. Warner and others. Unobjectionable morally.

ABRAM F. MYERS' ANNUAL REPORT TO THE ALLIED BOARD

(continued from back page)

"Without wishing to invade the domain of the Caravan Committee—they will hold the floor tomorrow afternoon—I venture the observation that the value of the information I am discussing lies in the manner in which it is used in bargaining for films. It is not the mere possession of information, but the use that is made of it, that counts. I can only say that I have been greatly impressed by meetings I have attended in Eastern Pennsylvania and by the bulletins I have received from Texas indicating the value of the Caravan service when intelligently applied in close cooperation with and under the guidance of the executive officer of the regional trade association. But be that as it may, the problem of high film rentals is first in the minds of all exhibitors; the trade associations must concern themselves with it or lose the interest of their members; and the obligation cannot be discharged merely by adopting resolutions and voicing complaints.

"Checking and auditing. Without trespassing on the time of the special committee headed by Col. Cole, I may say that the checking operations of Confidential Reports, Inc., have constituted a large part of the complaints coming to my desk during the past ten months. Most of the complaints were directed against the use of local checkers. Many of them were made without realizing that the distributors had surreptitiously dropped from their license agreements the clause against local checkers which had been inserted many years ago at the request of the exhibitors in negotiations conducted with the late Sidney R. Kent. The simultaneous elimination by all or most of the distributors of (1) the anti-local checker provision, (2) the provision making confidential all information gained through checking and auditing and (3) all limitations on the time in which audits may be made, constitutes the strongest possible evidence of a continuing conspiracy among those distributors. Unless reforms are put into effect which will satisfy the just complaints of the exhibitors, it is inevitable that a legal attack will be launched against Confidential Reports by the organized independent exhibitors.

"One helpful sign is that Dr. Isadore Lubin, who has a wide reputation as an economist and statistician, has been elected president of Confidential Reports, Inc. Fresh from the Government service, and without previous exposure to distributor methods, his mind may be open to suggestions from exhibitor sources and he may bring a wholesome point of view to the solution of checking problems. It would be advisable for Col. Cole's committee, or some other group to be named, to get in touch with Dr. Lubin and see what progress can be made in ironing out the complaints against his company, at least as regards local checkers. I imagine he can be relied upon to weed out the incompetent, unprepossessing, boisterous and drunken checkers who have figured in many of the complaints.

"Economic outlook. As this report is being written only an abiding faith in America and her people could justify optimism—but that is enough. Price and wage formulas will be found which will end the strikes which now seem to threaten the very existence of the country. Once the wheels start turning our worries will be at an end—at least for a few years—as production is the answer to our immediate problems. In most industries productive capacity was greatly expanded during the war; and they soon will be turning out goods in such quantities that market saturation and competition will take care of the price factor and turn the tide against inflation. It is the exhibitors' misfortune that while it seems likely many more theatres will be opened,

there is no immediate prospect of a substantial increase in the production of films and it seems likely that the artificially created and maintained sellers' market will continue for several years. Independent exhibitors should lend all possible encouragement to new sources of product.

"The long-term picture is not nearly so bright, but it would be tiresome and useless to discuss now what may happen in five or ten years. It is enough to remind you that the country will enter upon the postwar era with the greatest public debt in history, with many of its most important resources depleted, and with irreducible government expenses at a staggering figure. Thus in addition to many of the causes of the great depression of the thirties, we have even greater and more aggravated conditions. It seems to me that independent exhibitors should avoid the temptation to over-expand and should retain a fair margin of liquid assets against the day when industry slows up and money becomes tight and we come to realize that just as this war resembled the earlier war, so will the aftermath be the same.

"Allied's activities. The principal work carried on by national headquarters is reflected in the early part of this report. In addition, there was a considerable increase in the special matters referred by the regional organizations. Instead of the usual four Board meetings, we got through the year with two, plus one meeting of the Executive Committee. While no new territories were added in 1945, interested inquiries have been received from two territories not now included in Allied. Progress also was made in strengthening the regional associations already affiliated with Allied. Three of these have advised me of astonishing increases in membership during the year. It is no mere accident that these particular associations have been especially active—again proving that the exhibitors will always respond to able, aggressive leadership.

"During the year successful conventions were held in Indiana, Michigan, Ohio, Western Pennsylvania (Silver Anniversary), Texas and Wisconsin. These and the membership meetings in other Allied territories were reported to be very large, attendance records having been broken in several instances. All this attests the mounting interest of the independent exhibitors in industry problems and their determination to strengthen and to increase the scope and usefulness of the regional organizations. This manifestation of exhibitor interest is most encouraging, since a federation like Allied cannot be stronger than its constituent bodies. If the substantial gains made during 1945 are continued through 1946, and new units are gathered into the fold, the operations of National Allied may be enlarged to embrace matters of growing importance which thus far have not been dealt with effectively because of the emphasis which, necessarily, has been placed on the legal aspects of our activity.

"Relations between Allied and the Pacific Coast Conference of Independent Theatre Owners continued to be cordial and their cooperation increased in effectiveness. Under the plan for exchanging observers at alternate meetings Messrs. Smith and Ainsworth attended their spring meeting, and Mr. Ainsworth now is in San Francisco attending their winter session. Messrs. Bruen and Poole, representing the Conference attended the winter and summer meetings of Allied. These frequent meetings with the representatives of P.C.C.I.T.O. and the other organizations included in C.I.E.A., have served to eliminate the distrust and jealousy planted in independent ranks by antagonistic interests in a campaign to divide and conquer. Independent solidarity is attainable, if, indeed, it is not an accomplished fact.

"At the Columbus meeting the entire slate of officers was re-elected, and Mr. Yamins was added to the Executive Committee. It has been an effective team, smooth-working and congenial. I wish to pay special tribute to President Smith for his devotion to duty, his consideration in dealing with his associates, his willingness to make decisions; and particularly for attending numerous conventions and meetings when I was unable to go because of my work in Washington. The Finance Committee no doubt will comment on the splendid work done by Treasurer Ainsworth—the man who makes you pay with a smile. Those who have the Caravan Book will need no reminder of the tremendous amount of thought and labor which Sid Samuelson has done as chairman of the Caravan Committee. Finally, I record my appreciation of the tireless and loyal devotion to duty of Miss Bertha M. Thompson who discharged the arduous duties of secretary to the General Counsel, chief factotum of national headquarters and special assistant to the Treasurer. And to all the officers and leaders who co-operated so graciously through the year, and to whom I am indebted for many courtesies—thanks!"

in Washington to consider this movement. The proponents of the movement had contended that a central committee, similar to the reviewing committee of the Theatres Division, W.A.C., was necessary in order to 'protect' the industry against unreasonable demands for exhibiting sponsored reels and for taking collections. The C.I.E.A., with all member units represented, felt that the creation of such a committee would invite and not discourage the very pressure which the proponents professed to fear. After a full discussion, lasting an entire day, the Conference unanimously adopted a declaration of principles in favor of freedom of the screen which should have been welcomed and supported by every element in the business. I have yet to hear any person in private conversation disagree with the sentiments of the Resolution of December 3. Representatives of the major companies and of the trade press have privately praised the resolution; but they dare not do so openly because it is believed to be the policy of the major companies to foster any movement which promises—no matter how dimly—to cause a breach in the independent ranks.

"Allied was represented at the December 3 meeting by the members of the Executive Committee (except Mr. Rosenberg). The action of the Executive Committee has been ratified by organization action in New England, Connecticut, New Jersey, Eastern Pennsylvania, Western Pennsylvania, Ohio, Indiana, Michigan and Wisconsin. It would be appropriate for the Board of Directors at this meeting formally to ratify the action of the Executive Committee although, admittedly, it can be no more than a formality in view of the position taken by three-fourths of the Allied regional associations.

"Public relations. The subject of public relations will take on a new importance in the years to come. The motion picture business is a private enterprise and it should be kept as such. Every resistance should be offered to those who, to enlarge their own influence and save their own vanity, would transform it into a public institution. The public supports the industry because it affords the best entertainment for the money. The public does not spend its money at the boxoffice to be instructed, conditioned or propagandized. Neither does it go to the theatre in order to avail itself of the privilege of contributing to whatever charity or 'cause' may be favored by some small group within the industry. Motion pictures already have active and growing competition in the amusement field. The industry may be faced with another formidable competitor—television—within the next three years. All connected with the industry had better turn their thoughts to retaining the patronage built up during the war instead of devising means for alienating good will. Can you imagine a group in any other industry proposing that the customers of the industry, while trapped in an enclosure, be solicited for contributions to any cause, no matter how worthy, and that the collection be taken with the lights on full, using an open plate instead of a slotted box (so that the amount of each contribution will be visible) and that the plate be salted with a few bills or large coins as a 'come on'?

"However, there is another aspect of public relations that is even more important. I refer to legislation, both desirable and adverse, and to taxation which is never desirable. Allied has had a good many legislative experiences, some successful, some not. A federation, such as Allied, is well adapted for effective legislative work nationally. Congress is not nearly so much controlled by powerful Washington lobbies as some folks seem to think. Congressmen are much more anxious to please their constituents who vote in the home precincts than to please Washington lobbyists who do not vote at all. The weakness is that too many independent exhibitors, and some regional exhibitor organizations, have not had the foresight or energy to personally interest their Congressmen and Senators in themselves, their organizations and their industry. If each independent exhibitor would constitute himself a legislative agent in his own Congressional District, not abating his efforts until his Congressman knows him by his first name and takes a personal interest in him, and coordinating his efforts with others through the regional and national organizations, the independent exhibitors would have the most effective 'lobby' in the country.

"This I have frequently held out to you as an ideal for which you should strive. My guess is that it will soon become a necessity, if the independents are to protect themselves in matters of legislation. The affiliated interests long have resented the determination of the independent exhibitors to act independently in such matters. That 'independence,' however, has not extended beyond an insistence upon going our separate way whenever there was a clash of interest. Allied always has been willing to cooperate with other branches of the industry in matters of common interest.

Representatives of all branches have frequently stood shoulder-to-shoulder on tax bills in the national and in the state legislatures. I need not dwell upon the instances in the past in which the representatives of affiliated theatres have differed in legislative matters. Such clashes were not confined to the Neely Bills but on at least two occasions extended to certain provisions of tax measures. And there is no reason to suppose that the interests of the two classes of exhibitors will always be identical in the future. You may have noticed that the Government in the New York Case took the position that if the Big Eight felt the requirements of the Sherman Act bore too heavily on them, they could apply to Congress for relief. In such a campaign the interests of the independent exhibitors obviously could not be entrusted to an organization including in its membership, if not wholly dominated by, the affiliated exhibitors.

"All this leads up to two developments which have occurred since the last meeting of the Board. The first is the announcement by the proposed new exhibitor organization that, in addition to acting as a peacetime W.A.C., it will 'represent all exhibitors of the country before agencies of the Government and Congress in all matters affecting the theatre industry, so that this organization can state, when speaking to departments of the Government, that it does represent all the theatres of the United States.' The other development is that the Motion Picture Producers & Distributors of America, having switched to the all-inclusive name of Motion Picture Association of America, has acquired a fine property, located on Sixteenth Street, in Washington which will be used as an impressive headquarters for the legislative and public relations activities of that organization. To the extent that its efforts are in the interest of the industry as a whole, the rejuvenated Hays Association may render a valuable service. To the extent that it may act in the interest of its members and against the independent elements in the industry, it constitutes a challenge. Both developments admonish the independent exhibitors to strengthen their political ties at home.

"Problems of the future—High film rentals. No matter what changes may be wrought in industry practices as the final outcome of the Government suit or otherwise, those who have films will continue to sell them and those who operate theatres will continue to buy. If the producer-distributors should be shorn of their theatre holdings, all exhibitors would be regarded as customers and not as actual or potential, competitors of the affiliated chains; also with free access to the first-run theatres, additional producers and distributors might reasonably be expected to enter the business. But even so, the problem of buying films at a fair price would remain because the selling organizations of the major companies are so accustomed to taking the hide with the hair in selling films to the exhibitors and have devised so many schemes to that end, that they will continue their unreasonable exactions from sheer momentum and force of habit.

"The necessity for rousing the exhibitors to a sense of their danger grows less as the avarice of the distributors increases and film rentals soar. The topic of high film rentals dominates all exhibitor gatherings. The meetings of once docile organizations, maintained and controlled by the affiliated chains, now make the headlines due to the complaints of their independent members. And although the distributors once opposed cooperative buying combines, and even refused to deal with them, they are by their brutal selling methods forcing the exhibitors to organize such groups in all parts of the country. What the ultimate effects on the industry of this highly organized selling on the one hand and organized buying on the other will be, no one can now predict. Certainly the personal element, individual initiative, is being slowly eliminated and an unnatural rigidity—it may be *rigor mortis*—is setting in.

"It is not my purpose or function to offer advice as to whether or not any exhibitor should enter into a cooperative buying combine. My only advice is that, regardless of whether he goes it cooperatively or alone, every independent exhibitor and every film buyer for independent exhibitors should avail himself of all trade information available in bargaining for films. Among the many interesting things brought out at the recent trial was the expert information system used by each distributor. That information must be matched by the exhibitors if they are to bargain on anything like even terms with the distributors. Exhibitors can obtain the necessary information in two ways: First, through the bulletins issued by the Caravan Committee giving legal and authentic information concerning reported transactions in the several subscribing territories. Second, by attending regional meetings and freely exchanging proper information and comparing experiences.

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THE JACKSON PARK THEATRE CASE

For many years, the independent exhibitors of Chicago have been grumbling against the oppressive practices that have made it difficult for them to realize a fair profit on the pictures they license from the major distributors, because of the discrimination against them in favor of the affiliated theatres.

But now, these Chicago independents, as well as independents everywhere, have good cause to rejoice because of the outcome of the case known as the Jackson Park Theatre Case in the U. S. Supreme Court. The case is sometimes referred to as the Bigelow Case. Like the Supreme Court decisions in the Interstate and Crescent Cases, the Jackson Park Case is another significant victory for the independent exhibitors in their long-standing battle to stamp out predatory practices in the distribution and exhibition of pictures. It is a battle that is slowly but surely bearing fruit.

Because the Jackson Park Case has been in litigation since 1942, a recapitulation of the facts should prove helpful to those of you who are either not acquainted with its details or may have forgotten them. The Jackson Park Theatre filed an anti-trust suit in the District Court for Northern Illinois under the Sherman and Clayton Acts, naming as defendants RKO, Loew's, Warner Bros., Twentieth Century-Fox, Paramount, and Balaban & Katz, and charging that they entered into a conspiracy to distribute and exhibit pictures in a manner that enabled the affiliated theatres in the Chicago area to secure and exhibit them in advance of independent exhibitors. The bill of complaint alleged that by reason of the conspiracy, the Jackson Park was prevented from securing pictures for exhibition until after the affiliated theatres had been able to show them in prior and more desirable runs, regardless of the rental price offered. As a result of this alleged discrimination against it in favor of the affiliated theatres, the Jackson Park charged that it had been subjected to a loss of earnings in excess of \$120,000 during the five-year period from July 27, 1937 to July 27, 1942, and it sought to recover treble damages, as prescribed by the Clayton Act. It sought also an injunction to restrain the distributors from favoring the affiliated theatres.

The matter of the injunction was reserved, and the case went to trial solely on the question of damages. The jury returned a verdict of \$120,000 in the Jackson Park's favor, and the Court handed down a judgment for treble that amount.

The defendants appealed the decision, and the Circuit Court of Appeals for the Seventh Circuit sustained the jury's findings that the defendants maintained, by a conspiracy among themselves, an illegal system of distribution in the Chicago territory, but it held that the evidence was insufficient to support a finding by the jury that the Jackson Park had been injured by the conspiracy. Accordingly, it reversed the decision of the lower court, and set

aside the judgment. Thereupon, the Jackson Park took the case to the Supreme Court, which, in an overwhelming 7-1 decision, reversed the Circuit Court of Appeals and ruled that the Jackson Park was entitled to the treble damages of \$360,000 granted originally by the District Court.

Being one of the most important decisions ever handed down by the Supreme Court insofar as it affects the motion picture industry, some exhibitors are wondering if the decision would be applicable to their particular situations, while others are thinking about the possible effect it might have on the pending ruling in the Government's New York anti-trust suit against the eight major distributors.

Not being a lawyer, I cannot endeavor to advise any exhibitor as to whether or not the decision would have a bearing on his particular problem, nor do I believe that a lawyer's opinion would be an infallible guide. But all of you, I am sure, will be interested in the views of Abram F. Myers, National Allied's general counsel, who has analyzed the decision in his usual competent, comprehensive manner. Mr. Myers, incidentally, predicted in his annual report to the Allied organization that the Supreme Court would reverse the judgment in the Jackson Park Case. Following are his views:

"1. *Probable effect on Government Suit.* Our main interest at this time is in the probable effect of the decision on the Government's anti-trust suit against the Big Eight. . . .

"Actually all that the Supreme Court decided was that there was sufficient proof of injury to the Jackson Park Theatre, flowing from the admitted conspiracy to discriminate in the licensing of films, to sustain the verdict for \$360,000 in favor of the plaintiffs. The defendants brazenly conceded the illegality of the conspiracy and sought to make capital of it by arguing (1) that the conspiracy was so effective the plaintiffs never had been able to buy in a free market, hence they could not prove actual loss and (2) the conspiracy involved price-fixing (minimum admissions) thereby benefitting rather than injuring the plaintiffs.

"The Court merely sustained the verdict on the narrow issues which the District Court had submitted to the jury, which did not include the charge of price-fixing or certain other issues not necessary to the purposes of this memorandum. Therefore, the trade papers were technically correct in reporting the decision as one on damages only. But in the concluding paragraph of the Court's opinion the Chief Justice said:

"We do not mean to indicate by what we have said that the jury could not, on this record, have found a conspiracy for fixing minimum prices or that the Chicago system of release was not an unreasonable restraint of trade in other respects. We conclude that there was evidence to support a verdict of damages on at least one theory on which the case was submitted to the jury. We do not imply

(Continued on last page)

"Tangier" with Maria Montez, Preston Foster and Robert Paige

(Universal, March 8; time, 76 min.)

Ordinary. The drawing power of Maria Montez, depending on how much she means at your box-office, is about the only asset this picture possesses, for the story, a combination of romance, international espionage, and murder-mystery, is so involved that it would take a master mind to unravel the different happenings. It clears up somewhat in the second half, but by that time the spectator's interest is dissipated because of the tiresome action up to that point. Moreover, the characterizations are totally unconvincing, and not much can be said for either the direction or the acting. In fairness to the players, however, it should be said that they are not to blame, for the inept story material and the trite dialogue puts them at a disadvantage.

From what one can make out of the story, which takes place in Tangier, it deals with Maria Montez, Louise Allbritton, and Kent Taylor, posing as dancers in a local hotel, while searching for a mysterious man named "Balizar," who had been responsible for the slaying of thousands during the Spanish Civil War. Seeking "Balizar," too, is Robert Paige, a discredited American correspondent, who hoped to obtain a scoop so as to reestablish his reputation. In the course of events, Maria learns that Reginald Denny, a hunted Nazi, had registered at the hotel, and that he carried with him a huge diamond that "Balizar" wanted. To trap "Balizar," Maria tries to steal the gem. Denny catches her but Taylor kills him as Maria escapes with the stone. Preston Foster, Tangier's military governor, starts an investigation of the murder and falls in love with Maria. When he realizes that Paige, too, was seeking the murderer as a possible lead to catching "Balizar," and that he, too, was attracted to Maria, he orders him to leave the city. Instead of leaving, Paige gains Maria's confidence and starts working with her in the search for "Balizar." After a series of events, different clues lead all concerned to the apartment of J. Edward Bromberg, whom they suspected of being "Balizar." Just as Bromberg reveals that he was a secret Allied agent aiding their search, Foster enters and reveals himself as "Balizar." He threatens to kill them all unless they turned the diamond over to him. Louise, seeking to protect her friends, offers to give it to him. He follows her into the hotel elevator and she deliberately sacrifices her life and kills him by causing the car to crash to the bottom of the well. Their search for "Balizar" over, Maria and Paige look forward to a happy future.

M. M. Musselman and Monty F. Collins wrote the screen play, Paul Malvern produced it, and George Waggner directed it. The cast includes Sabu and others.

Adult entertainment.

"Murder Is My Business" with Hugh Beaumont and Cheryl Walker

(PRC, April 10; time, 63 min.)

A routine program murder-mystery melodrama. It is the first of PRC's "Michael Shayne, Detective" series, which was last produced by Twentieth Century-Fox with Lloyd Nolan in the lead. This time Hugh Beaumont plays "Shayne." Being the first of the series, it is not a very auspicious start, for the story is sketchy and somewhat improbable. The regular followers of pictures of this type will find that the plot developments are obvious; moreover, they will have no trouble in identifying the villain, even though he is not actually exposed until the end. For comedy, there is the time-worn by-play between the hero and a not-too-bright police chief, but this is just mildly amusing:—

Beaumont, a private detective, is employed by a wealthy woman to deal with George Meeker, a playboy, who was trying to blackmail her. She reveals that she had once been friendly with Meeker because of the unhappy life she led with Pierre Watkin, her second husband, and with his two grown-up children, who were constantly after her money. As Beaumont leaves, Watkin tries to employ him to frame

an insurance robbery of his wife's jewels. Shortly afterwards, Watkins wife is murdered during what appears to be a robbery attempt by an ex-convict pal of Beaumont's. Watkin had in turn killed the intruder. Ralph Dunn, the police chief, openly disdainful of private detectives, particularly Beaumont, readily implicates him in the crime, compelling Beaumont to carry on his own investigation to clear his reputation. Cheryl Walker, Beaumont's secretary and sweetheart, determines to help him. Working independently, she makes a date with Meeker and goes to his apartment. There the playboy is murdered by an unseen assailant, and Cheryl finds herself accused of the crime. Meanwhile Beaumont, carefully shifting different clues, gathers evidence that convinces him of the killer's identity. Knowing that Dunn would pay no attention to his deductions, Beaumont tricks him into coming to Watkin's residence, where he manages to bring together also the different persons who might have committed both murders. There, after allowing Dunn to make a fool of himself by picking on the wrong suspect, Beaumont triumphs over him by proving that Watkin was the secret killer.

Fred Myton wrote the screen play, Sigmund Neufeld produced it, and Sam Newfield directed it. The cast includes Lyle Talbot and others.

Adult entertainment.

"Smooth as Silk" with Kent Taylor and Virginia Grey

(Universal, March 1; time, 65 min.)

A fairly good program murder melodrama. An interesting story, good direction, and competent performances, set it above the average picture of this type. Although the story is lacking in human interest, since it revolves mainly around unsympathetic characters, it has considerable suspense. This suspense is brought out by the ingenious machinations of the villain, a lawyer, who, jilted by the heroine, murders the man she was engaged to and makes it appear as if she had committed the crime. Since there is no mystery involved, the spectator's interest lies in the methods employed by the district attorney to outwit the villain. Some of the happenings tax one's credulity, but these are not serious enough to affect the overall value of the production:—

Kent Taylor, an attorney, gains an acquittal for Danny Morton, charged with killing a girl with his automobile while drunk. As part payment for winning the case, Morton's uncle, John Litel, a producer, had promised to star Taylor's fiancée, Virginia Grey, in a stage play. But after the trial Litel refuses. Virginia, a cold, ambitious woman, jilts Taylor and starts a romance with Morton, hoping thereby to win the role. Shortly afterwards she meets Litel, for whom she jilts Morgan, thus getting the lead in his new play. Taylor, insanely jealous, plans revenge. He steals a bracelet belonging to Virginia and obtains a cigaret butt bearing her lipstick. He then goes to Litel's home and, after killing the producer, plants the bracelet and cigaret in the room. When district attorney Milburn Stone investigates the crime, Taylor cleverly confesses to the murder in a manner that leads Stone to believe that it was an obvious gesture to protect Virginia. Stone orders Virginia's arrest. Still seeking revenge on Morton for breaking up his romance, Taylor leads the young man to believe that the police suspected him of killing his uncle while intoxicated. Morton, unsure of his actions while drunk, becomes convinced and plans suicide. He telephones Stone to make a confession, but the district attorney asks him to wait until he arrived at his home. There, Morton's confession convinces Stone that Taylor was the murderer, and he sets an elaborate trap to prove his guilt. He gets word to Taylor that Morton was afraid to kill himself, and when Taylor arrives to murder Morton detectives step from hiding and arrest him.

Dane Lussier and Kerry Shaw wrote the screen play, Jack Bernhard produced it, and Charles Barton directed it. The cast includes Jane Adams, Charles Trowbridge and others.

Adult entertainment.

"The Mask of Dijon"
with **Erich Von Stroheim**
(PRC, April 9; time, 70 min.)

For exhibitors who cater to audiences that enjoy psychological melodramas, this is fair program entertainment. It is a far-fetched story, sombre and cheerless, in which hypnotism is the prime factor, but it manages to hold one's interest to a fair degree. Erich Von Stroheim, as a demented magician, who resorts to hypnotic powers to avenge the loss of his wife's love, is cast in the type of role he does well—a sinister, brooding figure. His interpretation of the characterization gives to the proceedings a feeling of ever-mounting suspense. There is no comedy to relieve the tension:—

Von Stroheim, a once-great magician, spends his time studying the mysteries of metaphysics and hypnosis. Although destitute, he dissuades his wife, Jeanne Bates, a singer, from accepting any bookings. No longer able to endure poverty, nor her husband's morbid preoccupation with the study of mesmerism, Jeanne leaves him and obtains a singing engagement through the efforts of William Wright, a band leader, who had once been her admirer. Furious, and suspecting a romance between Wright and his wife, Von Stroheim vows revenge. He experiments with his hypnotic powers and, after hypnotizing a close friend and causing him to commit suicide, he becomes convinced that he was a master hypnotist. He visits Jeanne, places her in a somnambulist state, and commands her to procure a revolver from a gun-rack in a theatrical prop shop and to shoot Wright. Jeanne follows his orders to the letter, but when she shoots Wright the gun fires blanks. Infuriated, Von Stroheim returns to the prop shop and finds that the loaded gun he had prepared for Jeanne was still in the rack; she had taken the wrong gun. Meanwhile the shooting had brought Jeanne back to normal, and she sets the police on Von Stroheim's trail. Stumbling about in the dark shop, clumsily trying to evade capture, Von Stroheim trips and falls onto a trickster's guillotine. The steel blade is released and Von Stroheim, caught beneath it, is beheaded.

Arthur St. Claire and Griffen Jay wrote the screen play, Max Alexander and Alfred Stern produced it, and Lew Landers directed it.

Adult entertainment.

**"House of Horrors" with Robert Lowery
and Virginia Grey**

(Universal, Mar. 29; time, 66 min.)

This is just another program murder melodrama, developed according to formula, with few surprises. Nor is it outstanding in either production values or performances. Unlike the title indicates, there is little about the proceedings to horrify one unless the fact that the murders are committed by a half-witted giant can be considered horrendous rather than unpleasant. Discriminating audiences will find the far-fetched plot hard to take. Its appeal should be directed just to those who, regardless of story values, enjoy melodramatic action, for the second half has a few exciting situations:—

Rondo Hatton, a hunted murderer known as "The Creeper," is believed drowned when the police see him plunge into a river. He is rescued, however, by Martin Kosleck, a surrealist sculptor, who gives him refuge in his studio apartment and persuades him to murder Alan Napier, an art critic, whom he disliked. Police inspector Bill Goodwin, investigating the crime, finds reason to suspect Robert Lowery, an artist, whose work had been criticized by Napier. He tries to trap Lowery by arranging with Howard Freeman, another critic, to attack Lowery's work, but, when Freeman, too, is murdered under circumstances that establish Lowery's innocence, the police suspect that "The Creeper" was still at large. Meanwhile Virginia Grey, Lowery's girl-friend and art columnist, visits Kosleck's studio in search of news and steals a working sketch of a cloth-covered bust, which the sculptor described as his secret

masterpiece, it being a likeness of "The Creeper," whom he believed to be the perfect neanderthal man. After arranging with her editor to run the sketch in her column, Virginia returns it to Kosleck's studio only to find that he had discovered the theft. "The Creeper" prepares to murder her, but Virginia cleverly turns him on Kosleck, whom he kills. In the meantime, Lowery and Goodwin, visiting Virginia's office, see the sketch and recognize it as a likeness of the wanted killer. They rush to Kosleck's studio, arriving in time to shoot "The Creeper" and to save Virginia from becoming another one of his victims.

George Bricker wrote the screen play, Ben Pivar produced it, and Jean Yarbrough directed it.

Adult entertainment.

"Two Sisters from Boston"
with **Kathryn Grayson, June Allyson
and Jimmy Durante**

(MGM, no release date set; time, 112 min.)

Very good entertainment; it should be enjoyed by all types of audiences, for it is a very delightful combination of comedy, romance, and music, which is made up of tuneful melodies to please the popular taste, as well as operatic arias to satisfy the devotees of better music. The story, although not novel, has plentiful human appeal, and, under the deft guidance of Joe Pasternak and Henry Koster, it is consistently entertaining. It has many amusing comedy situations, and the expert clowning of Jimmy Durante is outstanding. He is ably assisted in the comedy bits by Ben Blue and even by Lauritz Melchior. Most of the comedy mix-ups are caused by the efforts of June Allyson to help Kathryn Grayson attain an operatic career. The singing of both Miss Grayson and Mr. Melchior is magnificent. Miss Allyson, as winsome as ever, provides the romantic interest with Peter Lawford. The background is New York at the turn of the century, and the lavish production values are in keeping with MGM's usual standard of excellence. All in all, it is the sort of entertainment to take one's mind off one's troubles:—

Sent to New York by her aunt and uncle to study voice, Kathryn, finding her allowance too small, assumes a different name and obtains a singing job in a Bowery cafe operated by Jimmy Durante. Rumors that she worked on the Bowery reach Boston, and her aunt and uncle, accompanied by June Allyson, her sister, head for New York to investigate. When Kathryn declares that she sang in the chorus of the Metropolitan Opera, they insist upon seeing her perform that evening. With the help of Durante, who convinces the stage manager that she was a dear friend of Thurston Hall, an influential patron of the opera, Kathryn bluffs her way into the chorus. Satisfied at seeing her perform, Kathryn's aunt and uncle return to Boston. But June, having learned the truth, remains in New York. Determined that Kathryn shall have her opera career, June goes to Hall's home to seek his aid. There she meets Peter Lawford, Hall's son, who assumes that Kathryn and his father had been having an affair, and that June was trying to blackmail him. He soon becomes convinced of his error, and to make amends invites Kathryn to sing at a party in his home. At the party, a series of mixups occur, during which Ben Blue, a drunken butler, identifies Kathryn as a Bowery singer. June, to save the situation, declares that she, not Kathryn, performed at the cafe. To settle the issue, Hall decides to visit the cafe on the next evening. Durante quickly rehearses June in a song and dance act. The act, however, proves to be inadvertent broad comedy, and Hall, realizing the truth, gracefully gives Kathryn an opportunity to sing a leading role in the opera with Melchior. Her debut is a huge success, and, as she and Melchior blend their voices, June and Lawford pledge their love for each other.

Myles Connolly wrote the screen play, Mr. Pasternak produced it, and Mr. Koster directed it. The cast includes Isobel Elsom, Harry Hayden and others.

Unobjectionable morally.

that the verdict could not be supported on some other theory.'

"Read in the light of the whole opinion this passage seems a polite way of saying, 'But don't think the whole darn system isn't illegal.'

"2. *Discrimination is illegal.* The gist of the Bigelow's complaint was that by reason of the conspiracy they were prevented from securing pictures until after Balaban & Katz had shown them on the earlier and more desirable runs. The jury returned a general verdict hence it was necessary for the Court, in order to ascertain the nature and extent of the unlawful conspiracy, to examine the entire record. In doing this the Court was moved to expressions not strictly relevant to the question of damages which unmistakably reveal the Court's attitude toward the system whereby the major companies consistently discriminate in favor of affiliated theatres and against independents in the licensing of films.

"For example, although under the District Court's instructions the Supreme Court had to conclude that 'the verdict did not establish that the fixed minimum admission prices were the result of the unlawful conspiracy,' the Chief Justice at another point took occasion to say: 'There was thus evidence tending to show that the release system and the price-fixing system were each an integral part of an unlawful conspiracy to give the Loop theatres the advantage of a first-run protected from low-price competition.'

"From the record the Court concluded that the jury's verdict (which the Court sustained) was 'based on the damages suffered by petitioners (plaintiffs) in consequence of the deprivation, by the discriminatory operation of the release system, of their demonstrated freedom to rent and exhibit some films which had not had prior showing.'

"The 'system' mentioned is the Chicago system of release, which is described in the opinion. While that system differs in form, it is not much different in substance from the systems employed by the major companies in other situations where there are affiliated theatres competing with independent theatres.

"3. *Proof of Damages.* One of the greatest deterrents to the filing of triple damage suits by independent exhibitors under Sec. 7 of the Sherman Act has been the difficulty of proving losses resulting from the discrimination. In the Jackson Park Case the District Court told the jury, in effect, that there were two theories of determining the amount of plaintiffs' damages: (1) A comparison of the receipts of the Jackson Park Theatre for four years preceding 1937 (when it obtained some films which had not been shown in defendants' theatres) with the receipts during the five years succeeding that year (when it obtained no such films due to the introduction of double features); and (2) a comparison of the earnings of the Jackson Park Theatre, which was held to the first week of general release, with those of the nearby Maryland Theatre (B&K) which was allowed to exhibit on 'C' pre-release run, one week ahead of the Jackson Park. The Court told the jury they must choose one or the other of these theories. The Circuit Court of Appeals and the Supreme Court both concluded that the jury had based its verdict on theory No. 1.

"The Court of Appeals in setting aside the verdict held that both theories were untenable. The Supreme Court, in reversing the C.C.A., said: 'Each of the two classes of evidence . . . tended to show damage . . . since each, independently of the other, tended to show that (plaintiffs') inability to obtain films before they had been shown elsewhere adversely affected their receipts. . . .' 'The constant tendency of the courts is to find some way in which damages can be awarded where a wrong has been done. Difficulty of ascertainment is no longer confused with the right of recovery for a proven invasion of the plaintiffs' rights.'

"As regards defendants' contention that their monopoly was so complete the plaintiffs could not prove actual damages, the Court said: 'The most elementary conceptions of justice and public policy require that the wrong-doer shall bear the risk of the uncertainty which his own wrong has created.' Again: 'The evidence here was ample to support a just and reasonable inference that (plaintiffs) were damaged by (defendants') action whose unlawfulness the jury has found and (defendants) do not challenge. The comparison of (plaintiffs) receipts before and after the defendants' unlawful action impinged on (plaintiffs') business afforded a sufficient basis for the jury's computation of the damage.'

"4. *General effects.* Industry lawyers will interpret the decision according to the interest of their clients. Counsel for the majors will attempt to dismiss it as a mere ruling on damages. Representatives of the independents will stress the general tenor of the opinion. Certainly the majors can derive no comfort from the decision; it strikes at the heart of their discriminatory practices. And as pointed out in the annual report, the case has served to further enlighten the Court concerning conditions in the industry. The Court must have been impressed by the long line of anti-trust cases coming before it involving the major companies.

"An immediate effect undoubtedly will be to stimulate the filing of triple damage suits, now that the way has been opened for proving damages based on a comparison of earnings with competing affiliated theatres which have been the beneficiaries of preferential treatment.

"Another effect may be to upset the Chicago system of release since it is reported that the Bigelows intend to supplement their victory by applying for injunctive relief. Moreover, the distributors and B & K may hesitate to continue a system which has been pronounced illegal and threatens to expose them to a multiplicity of private actions.

"Eventually the decision will have repercussions in all situations where discrimination has been systematically practiced.

"The distributors would be in a happier situation today if they had heeded Allied's old plea for 'The right to buy'."

As Mr Myers points out, the decision is one of damages only, on which the Court sustained the verdict solely on the basis that there was sufficient proof of injury to the Jackson Park. But there can be no doubt that the highest court in the land now has a pretty comprehensive picture of the predatory practices that beset the industry, and that it looks upon them with disfavor. Read again the concluding paragraph of the opinion delivered by Chief Justice Stone to be convinced of the Court's general attitude:

"We do not mean to indicate by what we have said that the jury could not, on this record, have found a conspiracy for fixing minimum prices or that the Chicago system of release was not an unreasonable restraint of trade in other respects. We conclude that there was evidence to support a verdict for damages on at least one theory on which the case was submitted to the jury. We do not imply that the verdict could not be supported on some other theory."

The distributors should read this concluding paragraph carefully and digest it, for therein lies the handwriting on the wall. If they will comprehend fully the purport of this admonition, they will realize that the time has come for them to sit down with the exhibitors in a sincere effort to work out for the entire industry a fair and equitable program. Unless they discard their former ideas and start doing things in a more human way, unless they endeavor to gain the good will of their customers, they cannot hope to avoid judicial censure of the means they are employing to hold on to unfair control of the industry.

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JACK COHN'S SWEET TOOTH

In a recent interview with *Motion Picture Daily*, Jack Cohn, executive vice-president of Columbia, is credited with saying that "if the costs of maintaining and staffing candy counters and popcorn stands in theatres are included in overhead charges against a percentage picture, then distributors are entitled to a share of receipts from such concessions."

Cohn declared that some theatres have four or more employees assigned to candy and popcorn stands, and he contends that part of their salaries are paid by the distributors when the exhibitors include such costs as deductions for overhead when playing percentage engagements. Accordingly, he believes that the distributor should share in the receipts of the candy counters for whose maintenance he is charged.

Cohn observed that the theatre candy business has assumed such large proportions that he wonders whether some theatres are "in the motion picture business or the candy business."

Recently, states *Motion Picture Daily*, Joseph R. Vogel, vice-president in charge of Loew's theatres, revealed that candy concession receipts in Loew's theatres are considered as part of the gross receipts in accounting for percentage engagements. "If not for the pictures," he asked, "who would come into the theatre to buy candy?"

Cohn agrees with Vogel's viewpoint, and he regards the Loew's arrangement as a fair one. And he adds the belief that, ultimately, a formula will be developed for handling the matter of candy profits in a manner acceptable to both exhibitor and distributor.

A careful reading of this report leaves one with the impression that Cohn is interested, not in eliminating the costs of maintaining and operating the candy concessions as part of the overhead charges against percentage pictures, but in setting up a system whereby his company could share in the exhibitor's candy profits.

The candy and popcorn business done by an exhibitor is about the only phase of his operations that has thus far remained untouched by the distributors. Whether or not Columbia will eventually seek to dip its hand into this part of a theatre's profits remains to

be seen. That it might stoop to such tactics is not beyond comprehension, since its notorious record for bleeding the exhibitors is unsurpassed.

Since the distributors in general examine the overhead charges on a percentage engagement with a fine comb, it is doubtful if many exhibitors have been permitted to include the cost of maintaining and staffing candy counters. HARRISON'S REPORTS believes, therefore, that Cohn, in making his statement, did not do so to call attention to an "exhibitor abuse," but to send out a "feeler" for exhibitor reaction. If that is so, he will soon have his answer—and in no uncertain terms.

Incidentally, since Cohn agrees with Vogel's statement to the effect that no one would come into the theatre to buy candy, if not for the pictures, some one should inform him that, in the case of most of the Columbia pictures, the sale of candy is a good thing, for eating it is about the only pleasure the patrons get out of the show.

WILL IT NOT PAY TO TAKE THE PUBLIC INTO YOUR CONFIDENCE NOW AND THEN?

Because of the fact that the theatre business is done, in the main, between seven and nine o'clock in the evening, the public has come to believe that the owners of picture theatres are coining money hand over fist.

Years ago there was in Los Angeles an exhibitor named Horne. Whenever he had a poor picture, he would hang a sign outside the box-office advising the public to stay away that day because the picture was, in his opinion, very bad. The people went in, just the same, inspired perhaps by the exhibitor's honesty in telling them the truth.

Some enterprising exhibitor may, one of these days, print a pamphlet to be handed to his patrons as they come in giving them facts and figures on what he did with a previous picture that drew large crowds and, on the surface, made him money. I venture to say that, a move such as this, being a novelty, would gain public sympathy and induce picture-goers to attend his theatre more frequently.

I should like to hear from some readers what they think of this suggestion.

**"The Postman Always Rings Twice" with
Lana Turner and John Garfield**

(MGM, no release date set; time, 113 min.)

The popularity of the players, as well as the fact that the story is based on James M. Cain's widely-read and widely-discussed novel, will undoubtedly result in outstanding grosses for this triangle-murder melodrama. As entertainment, however, it is strictly for adults, with an appeal chiefly to those who can stand sordidness dished up by the carload. Its story, which revolves around a young woman and her lover, and around the detailed methods they employ to murder her elderly husband, is a photographic study of the baser sides of human nature, set in a lustful and murderous atmosphere, in which moral conventions are thrown to the winds. Not a grain of sympathy is felt for any of the characters, particularly the hero and heroine, who show no sense of decency and are absolutely without any conscience. The circumstances under which the young wife is arrested and tried for murder, but is set free through legalistic tricks, although she pleads guilty to manslaughter, are tantamount to a slur on the legal profession as well as the courts. On the whole, the story is unconvincing, but it has been produced well and acted capably. It should be anticipated that the picture may encounter difficulties with the different censorship boards:—

John Garfield, a hitch-hiker, obtains employment in a roadside cafe operated by middle-aged Cecil Kellaway. He falls in love with Lana Turner, Kellaway's young wife, and together they plan the murder of her husband in a manner that would make his death appear accidental. Their first attempt on his life fails, and the circumstances of the "accident" arouse the suspicions of Leon Ames, the district attorney. They succeed in killing Kellaway in a second attempt, by rolling his car over the edge of a cliff, but Ames, who had been following them, arrives on the scene of the crime shortly after its commission and places them both under arrest. Later, to secure his case, Ames tricks Garfield into signing a murder complaint against Lana, claiming that she had tried to kill him, too. But Hume Cronyn, a shrewd criminal lawyer, maneuvers matters in a manner that compels Ames to accept Lana's plea of guilty on a manslaughter charge, and to recommend clemency; the court frees Lana on probation. Despite her changed feelings towards Garfield, Lana marries him, hoping that the notoriety would improve business at the cafe. Their animosity and suspicions toward each other eventually fade away and they reaffirm their undying love. In the course of events, Lana is killed in an automobile accident while driving with Garfield. Though innocent, he is convicted of her murder and sentenced to die.

Harry Ruskin and Niven Busch wrote the screen play, Carey Wilson produced it, and Tay Garnett directed it. The cast includes Audrey Totter and others. (See April 7, 1934, page 56.)

**"The Strange Love of Martha Ivers" with
Barbara Stanwyck and Van Heflin**

(Paramount, no release date set; time, 116 min.)

This is another in the current cycle of sordid murder melodramas that are coming out of Hollywood in ever-increasing numbers. It is a well-made picture, capably directed and acted, and it will probably give a good accounting of itself at the box-office, but it is hardly suitable entertainment for family audiences, particularly children. The tale is a grim

she offers him \$5,000 to marry her so that she would mixture of murder, blackmail, greed, and misuse of official powers, in which not one of the characters commands the respect or sympathy of the spectator. It has a number of ugly situations that are depicted with stark realism. There is no denying that the story unfolds in an intriguing manner, and that it offers situations that are packed with suspense, but it is not cheerful entertainment for there is much tragedy and no comedy at all. Its array of sordid events scouts the boundaries of good taste.

The story, which takes place in a small industrial town, opens with the murder of Judith Anderson, a domineering, wealthy woman, committed by her browbeaten, unhappy 13-year-old niece. The crime is witnessed by the young son of the niece's tutor, who is influenced by the girl to say that the murder had been committed by a mysterious intruder. The tutor (Roman Bohnen) sees through the children's lie, but, realizing that the girl would come into great wealth, and being ambitious for her son, he falls in with the story to retain a hold over her. Seventeen years later finds Barbara Stanwyck, the niece, married to Kirk Douglas, the tutor's son. She had become a successful business executive and had used her influence to elect Douglas as District Attorney. He had in turn convicted an innocent vagrant for the murder of her aunt. Though tied to each other, Barbara and Douglas lived unhappily because of her affairs with different men. When Van Heflin, a professional gambler and boyhood friend of the pair, arrives in town after an absence of eighteen years, they recall that he had been in the house on the night of the murder and mistakenly believe that he had witnessed the crime. Heflin, seeking to help Lizabeth Scott, a derelict girl in trouble with the police, visits Douglas to request his aid. Interpreting the visit as a subtle bid for blackmail money to keep quiet about the murder, Douglas orders his detectives to give Heflin a beating and drive him out of town. Angered, Heflin returns to town to avenge himself and, through a slip of the tongue by Barbara, he learns the reason for his beating. Succeeding events deal with Heflin's attempt to cash in on his new-found knowledge, and with Barbara's efforts to win Heflin's love and to persuade him to kill her husband. In the denouement, Heflin scorns Barbara for Lizabeth, while Douglas, tired of his wife's infidelities, kills her and commits suicide.

Robert Rossen wrote the screen play, Hal Wallis produced it, and Lewis Milestone directed it. The cast includes Darryl Hickman, Janis Wilson and others.

**"The Gentleman Misbehaves" with
Robert Stanton and Osa Massen**

(Columbia, Feb. 28; time, 74 min.)

A moderately entertaining program comedy, with some music. It starts out in an amusing fashion, but by the time the picture is half way through the action begins to pall. For the most part the comedy is ineffective because it is forced; and the story itself is of so little consequence that it fails to hold one's interest. It is best suited for a double feature program in secondary houses, not only because of its quality, but also because the players mean little at the box-office:—

Robert Stanton, a Broadway producer who was broke and in debt, is constantly at odds with Hillary Brooke, his leading lady and financial backer, because of his attentiveness to other women. Through a chance meeting with Osa Massen, a French refugee,

Stanton sees an opportunity to get out of debt when not be deported to France. Stanton agrees, stipulating that there must be a quick annulment. After the marriage, he discovers that Osa's one asset was her fur coat, valued at \$20,000, which she hands him to sell. While Stanton is out trying to sell the coat, Sheldon Leonard, a gangster, escapes with \$20,000 from a dice game in the hotel, and in an effort to evade the police he throws the money into the nearest room, which happened to be Stanton's. Osa, finding the money, believes that Stanton had sold her coat and uses it to pay his bills. As a result, Stanton finds himself in trouble with the gangster and is compelled to make him a partner in his new show, which Hillary had agreed to finance. Stanton's troubles mount when Hillary, learning that he was married, withdraws her support, and when Osa leaves him after he misses her hint that she was to become a mother. It all turns out for the best, however, when Leonard, employing strong-arm methods, makes Hillary his new girlfriend and sees to it that Osa is returned to Stanton.

Robert Wyler and Richard Weil wrote the screen play, Alexis Thurn-Taxis produced it, and George Sherman directed it. The cast includes Frank Sully, Shemp Howard and others.

Unobjectionable morally.

"To Each His Own" with Olivia de Havilland and John Lund

(Paramount, no release date set; time, 122 min.)

A strong emotional drama, well acted and skillfully directed. Based on the unwed mother theme, the story of a self-sacrificing heroine, who, to insure her illegitimate son's happiness, allows another woman to rear him, is the sort that will exert a powerful appeal for women. Generally, it is a collection of situations that have proved dramatically effective in similar dramas. Some of these are highly emotional and will bring tears to the spectator's eyes, especially during the scene where the heroine parts with her baby, and again, years later, when the young man discovers that she is his mother. Olivia De Havilland's portrayal of the mother, from a young, eager girl to a middle aged woman, is exceedingly good, and she has the sympathy of the audience at all times because of her willingness to sacrifice her happiness for the sake of her child. Although the delicate theme has been handled inoffensively, the picture cannot be considered as suitable entertainment for children.

Beginning in 1918, the story, told in retrospect, opens in a small town where Olivia worked as a clerk in her father's drug store. Bill Goodwin, a traveling salesman, and Phillip Terry, a local boy, vie for her hand, but without success. Peeved, Terry marries Mary Anderson, a local girl. At a bond rally, Olivia experiences a one-day romance with John Lund, an army aviator, and months later, following his death in action, she bears his child. Olivia and her father, to keep the townspeople from learning the truth, devise a scheme whereby the baby would be found on a neighbor's doorstep, after which they would adopt it. But through an odd series of circumstances the baby falls into the hands of Terry and his wife; Olivia is compelled to remain silent when they decide to adopt the baby as their own. She eventually reveals her secret to Mary, but the foster mother refuses to part with the child. Despondent, Olivia goes to New York, where she becomes successful in a cosmetic business. By putting financial pressure on Terry and his wife, Olivia is enabled to gain possession of her child, but she soon returns the youngster

to his foster parents when she sees that he was unhappy with her. She goes to London to forget her sorrow. Years later, during World War II, Olivia learns that her son (also John Lund) was a flight officer and that he was to arrive in London on a furlough. She meets the young man at the railroad station and, posing as a friend of his family, showers him with attention. Through Roland Culver, an English friend of Olivia's, the son comes to the realization that she was his mother. He embraces her tenderly, and both look forward to a new life of happiness.

Charles Brackett and Jacques Thery wrote the screen play, Mr. Brackett produced it, and Mitchell Leisen directed it.

"The Green Years" with Charles Coburn, Tom Drake and Dean Stockwell

(MGM, no release date set; time, 127 min.)

A fine human interest drama. Based on A. J. Cronin's best-selling novel, the story is a tender, heartwarming tale about the experiences of a poor Irish lad, from the time he is orphaned at seven until he grows into young manhood. The boy's determination to worship in the Roman Catholic faith of his father, in spite of the fact that his adopted Presbyterian family looked upon that faith with disapproval, and his struggle to rise above the environment of a small Scottish mining village so that he could realize his desire to study medicine, are inspiring. Dean Stockwell, who plays the child character, gives a remarkably sensitive performance; the natural way in which he interprets the emotions of childish joys and disappointments marks him as a child actor of unusual ability. Tom Drake, as the boy in later years, does very well. A most lovable, colorful characterization is that of the boy's great-grandfather, as played by Charles Coburn. His deep understanding of the lad's problems, and their mutual affection that lasts through the years, provide the film with many stirring, as well as humorous moments. The expensive settings are in perfect harmony with the story, and the direction and acting of the other cast members are of the highest order:—

Orphaned at the age of seven, Robert Shannon (Dean Stockwell) is sent from Ireland to live with his maternal grandparents (Hume Cronyn and Selena Royle) in a Scottish mining village. From the very start he suffers the meanness of his tight-fisted grandfather, the prejudice against his Catholic faith, and the taunts of his schoolmates. But with the help of his great-grandfather and of his kindly schoolmaster (Richard Haden) the lad overcomes his youthful discouragements and wins the esteem of his schoolboy friends. Grown to manhood, Robert (Tom Drake) graduates from school with high honors and with a burning desire to pursue a medical career. Lack of funds, however, coupled with his grandfather's insistence that he help support the household, compel him to work in the coal mines. Sympathizing with Robert's desire to better his station in life, the schoolmaster secretly tutors him for a scholarship, which Robert fails to win only because of an untimely illness. In the end, however, Robert, through insurance money left to him upon the death of his great-grandfather, achieves his ambition to go to college.

Robert Ardrey and Sonya Levien wrote the screen play, Leon Gordon produced it, and Victor Saville directed it. The cast includes Gladys Cooper, Jessica Tandy, Beverly Tyler, Wallace Ford, Henry O'Neill and others. Suitable for all.

"Our Hearts Were Growing Up" with Gail Russell, Diana Lynn and Brian Donlevy

(Paramount, no release date set; time, 82 min.)

An agreeable light comedy, of program grade. It is a sequel to "Our Hearts Were Young and Gay," and as in that picture the action takes place in the early 1920's, and it revolves around the adolescent adventures of Diana Lynn and Gail Russell, as Emily Kimbrough and Cornelia Otis Skinner, respectively. The story is light but pleasant, and throughout it is studded with amusing mix-ups that stem from the girls becoming involved with a tough but well-meaning bootlegger. The prohibition era depicted gives the film a nostalgic quality, and the styles and mannerisms of the day are burlesqued subtly. Brian Donlevy, as the bootlegger, and William Demarest, as his henchmen, measure up to the demands of their roles, but it is Billy De Wolfe, as a resourceful Bohemian, who practically steals the picture with his comedy antics:—

Diana and Gail, pupils at a fashionable finishing school, are in love with James Brown, a Princeton football hero, and Bill Edwards, a young doctor, their respective boy-friends. In order to attend the Harvard-Princeton football game unchaperoned, the girls arrange with Edwards to pose as Diana's elderly uncle. At the last moment, however, Edwards is unable to meet them at the railroad station to keep his part in the scheme. To satisfy Sara Haden, their suspicious head-mistress, the girls decide to pick an uncle from the passing crowd. They appeal to Brian Donlevy, who grasps the opportunity so that they would unwittingly help him to smuggle two suitcases with champagne aboard the train. At Princeton, Donlevy loses the girls in the crowd at the station, and the suitcases with champagne are delivered to their hotel room. Horrified at finding the champagne, Diana spills it down the sink. Later, at a gay party, Gail, unaware that Diana had disposed of the champagne, offers it to her hostess. The girls overcome their problem by filling the bottles with a wine tonic bought at a drug store. Meanwhile Donlevy, having learned from his agent that the champagne was poisonous, traces the girls to the party and informs the guests that they had been poisoned. Edwards and Brown take charge of the hysterical guests and compel them to take an emetic at once. The girls end the confusion by revealing that wine tonic and not the poisonous champagne had been drunk. Angered because they had been permitted to make fools of themselves, Edwards and Brown break with the girls. To win back their love, the girls decide to seek stage careers and to become figures in the public eye. They rent an apartment in New York's Greenwich Village and, after a series of mix-ups, in which Donlevy assumes the role of their protector, they straighten out their social and romantic difficulties.

Norman Panama and Melvin Frank wrote the screen play, Daniel Dare produced it, and William D. Russell directed it. The cast includes Mikhail Rasumny, Frank Faylen and others.

Unobjectionable morally.

"Hot Cargo" with William Gargan, Philip Reed and Jean Rogers

(Paramount, no release date set; time, 55 min.)

An ordinary program melodrama, suitable for the undiscriminating action fans. The story is hackneyed, and its treatment follows a familiar pattern, but since the action moves at a fairly brisk pace it manages to hold one's attention to a degree. The most exciting scenes are those in the end where the hero and his pal overcome the villain and his henchman, but it has little effect on the spectator since he guesses in advance just how the action will unfold. A little comedy and a formula romance have been worked into the plot:—

Returning from the South Pacific, ex-servicemen William Gargan and Philip Reed stop off in the redwood country of California to deliver a last message to the parents (Will Wright and Virginia Brissac) and brother (David Holt) of a dead buddy, as well as to Jean Rogers, his sweetheart, owner of a lumber mill. When they learn that Wright's trucking business was failing because of the machinations of Larry Young and Harry Cording, rival truckmen, Gargan and Reed decide to stay awhile to help the old man. Young and Cording throw many obstacles in their way to discourage Gargan and Reed, but the two veterans hold their ground and manage to obtain a hauling contract from Jean to sustain the business. Meanwhile Reed falls in love with Jean, much to the chagrin of Young, who, too, sought her hand. Matters come to a head when Holt, the brother, is killed in an accident caused by Cording. Gargan and Reed trace the killing to Young and Cording, who, learning that Jean had obtained evidence that would convict them of the murder, kidnap and take her to a mountain cabin. By the time that Gargan and Reed reach the cabin, Cording kills Young in an argument and barricades himself with Jean. Using a bulldozer, Gargan crashes into the cabin while Reed and the sheriff capture Cording and rescue Jean. Reed remains behind to marry Jean, while Gargan continues his homeward journey.

Geoffrey Homes wrote the screenplay, and Lew Landers directed it. Pine and Thomas produced it.

Unobjectionable morally.

"The Spider Woman Strikes Back" with Gale Sondergaard, Brenda Joyce and Kirby Grant

(Universal, March 22; time, 59 min.)

An indifferent program picture. Although it is supposed to be a horror melodrama, it is doubtful if it will have a frightening effect on any one. So far-fetched and ordinary is the story, and so slow-moving the action, that patrons will find it more tedious than exciting. Moreover, the performances are totally unconvincing. The usual tricks of the trade have been used to create an air of mystery and suspense, but they fail to impress one. There is no comedy, and the romantic interest is of no importance. It belongs on the lower-half of a mid-week double bill:—

Arriving in Domingo to work as a companion to Gale Sondergaard, a kindly, blind woman, Brenda Joyce meets Kirby Grant, an old college sweetheart, who drives her to Gale's mansion. There she is frightened by the sight of Rondo Hatton, a deformed, mute servant, but Gale reassures her. Unknown to Brenda, Gale's blindness was a sham to cover up a scheme to drive the local farmers away from what was formerly her lands. She was methodically accomplishing this by drugging Joyce and drawing blood from her while she slept to feed a carnivorous plant, from which she distilled a deadly cattle-poison. Her servant then used the poison to destroy the farmer's cattle. Grant and Milburn Stone, a Federal agent, investigate the cattle deaths and conclude that they were caused by weed-poisoning, but their inability to find any poisonous weeds in the area confuses them. In the course of events, Joyce becomes suspicious of Gale and discovers that she was not blind, but, before she can escape from the house, the servant captures her. Gale decides to kill her lest she reveal her secret. Meanwhile Grant and Stone, who, too, had found reason to become suspicious of Gale, go to her mansion. Gale, panicky, decides to destroy the evidence of her crimes and orders her servant to set fire to the plants. In the confusion that follows, Gale and the servant perish in the flames, while Kirby rescues Joyce.

Eric Taylor wrote the screen play, Howard Welsh produced it, and Arthur Lubin directed it.

Adult entertainment.

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MOTION PICTURE CREDIT THE INDUSTRY DIDN'T GET

Before retiring from his money-raising job with the U. S. Treasury Department, Mr. S. George Little praised the newspapers for their "amazing" support of the most successful war-financing job the world has ever known.

Mr. Little, who is president of General Features Corporation, and was special newspaper consultant in the war finance division, sent a letter to the newspapers throughout the nation citing the fact that the newspapers gave, during the War Loan, as well as the Victory Loan, drives, 318,543,000 lines of news and editorial support. In addition, he said that the newspapers published more than \$110,000,000 worth of bond advertising, much of it either contributed or sold to sponsors at reduced rates.

"This amazing contribution by newspapers to help finance and win the toughest war in history," Mr. Little said, "should make every newspaperman proud of his profession—proud, too, of the leadership and patriotism of his associates, but most of all, proud of the glorious war record that newspapers made which will go a long way toward furthering the cause of a free press throughout the world. . . .

"During the war years newspapers had more problems than ever before yet there was never a time when the Treasury called upon them for help that they failed to come through."

Mr. Little then thanked the newspapers for their invaluable assistance.

What Mr. Little said about the war effort of the press was printed in conspicuous places in almost every one of the newspapers throughout the nation, so that the public, too, might know of it.

It is not the intention of HARRISON'S REPORTS to detract from any of the credit due the newspapers for their war effort, for they really did a marvelous job, and unselfishly. What this paper aims to do is to compare the effort of the press with that of the motion picture industry and to point out how woefully deficient the industry has been in acquainting the public, particularly the servicemen, of its contribution.

According to a recent statement, the picture industry contributed \$45,000,000 worth of free film. Yet, if I can accept the word of a former Army officer, who served almost three years in the Pacific, only a handful of men overseas knew that these films, which provided such pleasant diversification and entertainment, and which contributed so immeasurably to their morale, was a GIFT of the motion picture industry to the Government, for the benefit of the fighting forces. Even this young officer, connected prominently with the industry before the war, had to return to this country on a short leave before he learned of this valuable contribution. "It was a shame," he said, "that a short introductory leader was not attached to pictures to inform the serviceman overseas that they had been given to the armed forces as a gift. It would have redounded in immense good will and prestige for our much-maligned industry."

This Army man told me that, among the press, the big national magazines did a greater job outside the United States than the newspapers. *Time* and *Life*, through their

miniature editions,—both devoid of advertising—did the best job. Their efforts in this direction were regarded highly, and by identifying their publications as a donation to the armed forces they won the respect and gratitude of the men in the field. These "miniature" editions were passed from hand to hand, eventually finding their way into dayrooms and recreation huts where they were filed permanently. *Newsweek*, too, published a miniature edition, void of advertising, that served as a great morale builder to the men on the fighting fronts. The newspapers, however, did not fare so well outside the continental United States. Postal restrictions designed to reduce mail loads were largely accountable for this, and consequently only scattered clippings, included in letters from friends and relatives, and an occasional reduced photostatic reproduction of a local newspaper, the cost of which was financed by some advertiser, comprised newspaper coverage and was naturally very limited in appeal and scope.

"In short," he summarized, "any contribution that the newspaper industry might have made to the morale of the armed forces could be classified as negligible, whereas the motion picture industry's contribution was immense. Yet, I'm afraid that many young men, who cheerfully endured a tropical downpour and swatted mosquitos in the heat to watch a motion picture, left the Army with the impression that the cost of the film was borne by the War Department as was their chow, uniforms, weapons and ammunition."

Who is responsible for the fact that the industry did not put its war contribution before the serviceman? None else than the War Activities Committee. It would not have been a great effort on the part of the Committee to suggest to each film contributor to put a "leader" in the beginning of each feature informing the men of the armed forces that the picture they were about to see was a gift from the motion picture industry. They should have been proud to do so, for what the motion picture industry contributed toward the upkeep of their morale was greater than what was contributed by all the other industries. And now, after showing so pronounced a myopia, these very same men—the former heads of the War Activities Committee—want to continue leading you by asking you to join the Theatre Activities Committee, their new exhibitor organization.

What for?

ABOUT BRITISH PICTURES

Under the heading, "The Great British Invasion," Abram F. Myers, general counsel of Allied States Association of Motion Picture Exhibitors, has this to say in an organizational bulletin dated March 13:

"Every day from morning till night the tom-toms are being beaten to herald the establishment of a great British film industry which will challenge Hollywood and perhaps topple it from its throne. Most of the bally-hoo consists of extravagant claims as to the quality of the pictures which shortly will be flowing into the American market. But there is also an underlying suggestion of coercion. J. Arthur Rank, it is said, controls most of the theatre circuits in England and, therefore, is in a position to grant playing time to American pictures on his screens in proportion to the number of
(Continued on last page)

"The Kid from Brooklyn" with Danny Kaye and Virginia Mayo

(RKO, no release date set; time, 114 min.)

Based on the old Harold Lloyd picture, "The Milky Way," this comedy should go over very well with the rank and file, for, in addition to the story being fast-moving and comical, it abounds with tuneful musical numbers, and it has been given a lavish production, photographed in Technicolor. The story remains substantially the same, with the comedy, which often reaches hilarious heights, provoked by the naivete of Danny Kaye, a mild-mannered milkman, who is led to believe that he is a great prizefighter. Kaye's interpretation of the character is extremely amusing; his antics keep the audience laughing heartily throughout. The situation in which he teaches Fay Bainter, an aristocratic society matron, the art of self-defense is but one of the many outstanding comical sequences. Walter Abel, as a crooked fight manager, and Lionel Stander, as a dumb sparring partner, which role he enacted in the Harold Lloyd version, add much to the entertainment values. Musically, the picture is satisfying, with well-staged dance numbers executed by Vera-Ellen and the Goldwyn Girls, and with songs sung by Virginia Mayo. A highlight is Danny Kaye's singing of "Pavlova," a musical satire on modern ballet, done in his inimitable style:—

While defending his sister (Vera-Ellen) from being molested by Steve Cochran, a champion prizefighter, and by Lionel Stander, his sparring mate, both drunk, Danny Kaye is forced into a brawl with them. In the confusion, Cochran is knocked out by Stander, but the newspapers credit the blow to Kaye, much to the chagrin of Walter Abel, Cochran's manager. Kaye goes to Cochran's apartment to explain what happened, only to knock him out again—accidentally—just as the reporters burst into the room. Frantic lest the publicity cost him a fortune, Abel hits upon an idea—he decides to build Kaye up as a fighter, then to match him with Cochran in a championship bout. Kaye declines, but, when Abel convinces him that he will earn enough money to marry Virginia Mayo, his girlfriend, he soon consents. Kaye unwittingly wins several "fixed" fights and gains fame. Success goes to his head, and he becomes insufferable, much to the disgust of Vera, who by this time had fallen in love with Cochran. Meanwhile Clarence Kolb, Kaye's former employer and millionaire milk dealer, buys his contract from Abel. On the night of the big fight, Vera and Virginia urge Cochran to knock out Kaye to teach him a lesson. But through the stupidity of Stander, who gives Cochran a sleeping potion to drink, making him drowsy, Kaye is enabled to win the fight. He wins also Virginia and a partnership in Kolb's milk firm. Cochran and Vera marry, while Abel and Stander, broke, secure jobs as milkmen.

Grover Jones, Frank Butler, and Richard Connell wrote the screen play based on the play by Lynn Root and Harry Clork, Samuel Goldwyn produced it, and Norman Z. McLeod directed it. The cast includes Eve Arden and others. Unobjectionable morally.

"Blonde Alibi" with Martha O'Driscoll and Tom Neal

(Universal, April 12; time, 62 min.)

An ordinary, slow-moving program murder-mystery melodrama; it barely holds one's interest. The story is thin and familiar, and it unfolds with a minimum of excitement. Moreover, one guesses the identity of the murderer long before it is disclosed. The only bright spot in the picture is John Berke's amusing portrayal of a sneak thief, who drives the police mad with his fantastic alibis. There is the usual comedy revolving around a police inspector and his dumb assistant, but most of this falls flat:—

Following the mysterious murder of Dick Crockett, a wealthy physician, the police apprehend Martha O'Driscoll,

the dead man's fiancée, who had broken her engagement to him that night to return to Tom Neal, her former sweetheart. The murder gun is traced to Neal, who is charged with the killing despite protests that he had sold the gun two months previously. The case against Neal is strengthened by the testimony of two witnesses, Samuel S. Hinds, a half-blind scientist, and Oliver Blake, a doorman, who claim that they had seen Neal leave the dead man's office on the night of the crime. Although the evidence against Neal seemed conclusive, Inspector Donald MacBride willingly cooperates with Martha, who, convinced of Neal's innocence, was determined to clear him. Together they track down numerous clues until a search of the dead man's office files reveals that he had been guilty of malpractice, and that he had threatened to expose a man who had been blackmailing his patients. This evidence leads to the trail of the real murderer, the doorman, who is trapped with Neal's cooperation. His innocence proved, Neal reunites with Martha, who vows to keep him out of future mischief.

George Bricker wrote and produced the screen play, and Will Jason directed it. The cast includes Robert Armstrong, Elisha Cook, Jr., Peter Whitney, Matt Willis and others.

Unobjectionable morally.

"The Bride Wore Boots" with Barbara Stanwyck and Robert Cummings

(Paramount, no release date set; time, 82 min.)

A moderately amusing farce-comedy about marital difficulties, of a grade that barely rises above program; its box-office chances will depend chiefly on the drawing power of Barbara Stanwyck. As in most pictures of this type, the comedy stems from farcical situations that lead to misunderstandings between the hero and his wife, but in this case the story is so silly and the comedy so forced that one finds the proceedings quite wearisome. The players try hard, but the inept story material does not give them a chance to rise to any heights. The most amusing part of the picture takes place in the final reel, where the hero, to win back his wife's affections, rides a hazardous steeplechase race, despite his dislike for horses. But even this entertaining sequence is not enough to redeem the picture as a whole:—

Although they loved each other deeply, Barbara Stanwyck, an ardent horsewoman, and Robert Cummings, her husband, a writer of historical novels, quarrel constantly over his dislike for horses, and over her dislike of the fact that his work brought him feminine attention. Numerous petty arguments, particularly over the attentions paid Barbara by Patrick Knowles, a noted horseman, and the ardent advances made to Cummings by Diana Lynn, an admirer of his work, result in the young couple being divorced after seven years of married life. Barbara is given custody of their two children, and she moves into Knowles' adjoining estate. Diana, quick to take advantage of the situation, becomes Cumming's secretary, but Barbara, still in love with Cummings, breaks up her romantic campaign by sending the children over to Cummings' home. Meanwhile Willie Best, Cummings' groom, discovers that "Albert," an aged horse Cummings had given to Barbara before the divorce, was a sensational jumper; he induces him to enter the horse in the Virginia Cup steeplechase. Knowles, who had his heart set on winning the cup, chides Cummings about "Albert's" age and dares him to ride the horse himself. Cummings accepts the challenge. On the day of the race, "Albert" outjumps and outruns the other horses, in spite of the fact that he has to stop every time Cummings falls out of the saddle, finally winning the race empty-saddled. Barbara, aware that Cummings had risked his neck to win the cup for her, reunites with him.

Dwight Mitchell Wiley wrote the screen play, Seton I. Miller produced it, and Irving Pichel directed it. The cast includes Peggy Wood, Robert Benchley and others.

Unobjectionable morally.

"Gilda" with Rita Hayworth and Glenn Ford

(Columbia, no release date set; time, 110 min.)

This melodrama of love and hate, set against the lavish background of a Buenos Aires gambling casino, should go over well with adult audiences, in spite of the fact that the story is a vague and confusing one. Credit is due Charles Vidor for his expert direction, for, despite the bewildering and somewhat pointless script, he has given to the proceedings a sense of excitement and suspense that grips the spectator from start to finish. So well has he staged the piece that only discriminating patrons will find its vagueness disappointing. It is an unpleasant picture, however, for it deals with crime and passion, and it revolves around characters who are extremely unsympathetic and absolutely devoid of moral sense. Several of the scenes, particularly those in which Miss Hayworth sings and dances, are quite sensuous. It is definitely not a picture for children:—

Glenn Ford, a caustic young gambler with an ability to use his fists, becomes confidential aide to George Macready, sinister owner of a Buenos Aires gambling casino, who was secret head of an international cartel, operating in tungsten, which was sponsored by the Nazis. Shortly after Germany's capitulation, Macready leaves on an extended trip, leaving Ford in charge of his operations. He returns from the trip with Rita Hayworth, a worldly woman, whom he introduces to Ford as his bride, without realizing that she was a former sweetheart of Ford's, and that both felt an intense love and hatred for each other. Macready makes Ford responsible for Rita, and the young gambler, out of loyalty to Macready, is compelled to endure her taunts and to cover up her flirtations with other men. In the course of events, Macready murders a Nazi agent and is compelled to flee the country. He fakes an ocean plane crash, leading all to believe that he had perished. Ford takes command of his operations and marries Rita, but, instead of living with her, he virtually makes her a captive and causes her to suffer for the many taunts he had endured. Meanwhile Joseph Calleia, a secret police agent, closes in on the cartel and persuades Ford to give up his control. He urges him also to effect a reconciliation with Rita. Macready suddenly appears on the scene and, accusing Ford and Rita of double-crossing him, attempts to shoot them. But Steve Geray, a philosophical washroom attendant, stabs him to death. Calleia declares the killing to be one of self-defense, clearing Geray and permitting Ford and Rita to leave the country and start life anew.

Marion Parsonnet wrote the screen play and Virginia Van Upp produced it. The cast includes Joe Sawyer, Gerald Mohr, Robert Scott and others.

"Johnny Comes Flying Home" with Richard Crane and Faye Marlowe

(20th Century-Fox; April; time, 65 min.)

A fair program comedy-drama. The story, which revolves around the trials and tribulations of a trio of ex-Army fliers, who seek to build up a private air freight service, follows a familiar pattern, but since its theme is timely, and since it combines appealingly human interest, romance, and some comedy, it should get by nicely with indiscriminating audiences. All the principal characters are sympathetic, and several of the situations are filled with pathos. Most of the excitement occurs at the finish, where the hero risks his life to test a new jet plane, thus earning enough money to finance the purchase of a second plane and to insure the success of himself and his buddies:—

Richard Crane, Charles Russell, and Henry Morgan, ex-Army pilots, find their civilian jobs boring after the excitement of their war days. By pooling their savings, they buy a war-surplus C-47 and set themselves up in an air freight business. Crane, warned by Army doctors to stay out of the air because of a nervous ailment, becomes business manager of the firm while Morgan and Russell do the

flying. Romantic complications enter Crane's life when, over his objections, his partners hire Martha Stewart, an aircraft worker, as their mechanic. The three partners soon find that repairs and but one plane left them in the red and, to make matters worse, their plane is impounded because of inability to meet a repair bill. Their heroic rescue of a stranded millionaire and the subsequent reward enables them to regain their plane, but they realize that, in order to obtain worthwhile hauling contracts, they must have a second plane. Miles, who needed money to pay for his wife's (Faye Marlowe) confinement, secretly signs to test a new jet plane for a fee of \$10,000—enough to pay the hospital and buy an extra plane. Crane begs Russell to give up the flight for his wife's sake, but his friend refuses. On the day of the test, Crane locks Russell in a telephone booth and takes the plane up himself. His successful flight proves to him that he was physically fit to fly again, and the fee insures the payment of the hospital bill as well as the purchase of the second plane.

Jack Andrews and George Bricker wrote the screen play, Aubrey Schenck produced it, and Benjamin Stoloff directed it.

Unobjectionable morally.

"The Wife of Monte Cristo" with Lenore Aubert and John Loder

(PRC, April 23; time, 80 min.)

By far the costliest picture it has ever produced, PRC takes a big step forward with this adventure melodrama, which has a "Robin Hood" theme. It is a good program entertainment, the sort that has popular appeal, for it offers most movie-goers the ingredients they enjoy—fast horseback riding, thrilling fights, exciting swordplay, and a colorful, dashing heroine, who valiantly risks her life to protect the poor from political oppressors. The plot is not without its inconsistencies, but the average picture-goer will, no doubt, overlook these since the story on the whole is presented in an interesting way. John Loder, as the villainous prefect of police, and Lenore Aubert, as the daring Countess of Monte Cristo, do well in their respective roles, but the choice of Martin Kosleck, as the Count of Monte Cristo, is not a happy one; he lacks the agility and dash one enjoys seeing in the role he portrays. The action takes place in Paris in 1832, and great care has gone into the reproduction of the settings and styles of that period. Not the least of the film's assets is its exploitable title:—

With the plague sweeping through Paris, the Prefect of Police and his political cohorts (Charles Dingle and Fritz Kortner) secretly capitalize on the poor by selling them poisonous medicine at exorbitant prices. Monte Cristo, having dedicated his wealth to fighting tyranny and injustice, disguises himself in a black cloak and mask and, known only as "The Avenger," heads a band of loyal followers who destroy the poisonous medicine casks as they enter the city. During one of the raids, the Count is wounded in the hand. Fearful lest his injury give away his identity, he leaves Paris. Meanwhile the Countess, attending a dinner given by the Prefect of Police, learns that he had long suspected the Count of being "The Avenger." To thwart and confuse him, the Countess, an expert swordswoman, assumes the disguise of the "Avenger" and carries on his work. She flirts with the Prefect and his companions to learn the details of the extortion scheme, and gains from them damaging admissions that lead to the death of the Prefect's collaborators. Eventually, the Prefect discovers the Countess' masquerade and imprisons her. But the Count, his hand now healed, disposes of the Prefect in an exciting sword duel and effects his wife's escape.

Dorcas Cochran wrote the screen play, Leon Fromkess produced it, and Edgar G. Ulmer directed it. Jack Grant was associate producer. The cast includes Eduardo Cianelli, Fritz Feld and others.

Unobjectionable morally.

British films which are accepted by this country. American distributors, it is indicated, have sought to make their peace by investing in British production companies and by undertaking to release British films in the United States. Depending on how the business is handled, this arrangement could operate for the benefit of all concerned or it could degenerate into a vicious international cartel. A course should be set before it is too late.

"It goes without saying that American exhibitors—the independent exhibitors, at least—would welcome additional sources of product designed to relieve the existing film shortage. During the past ten years the principal American distributors—the Big Eight—have systematically reduced the number of their releases so that the exhibitors are forced to buy in a sellers' market. But under the plans for the handling of British films in this country by certain of those distributors, there is a doubt as to whether their total annual releases will be increased. There is also a question as to whether the British films will be allowed to sink or swim on their own merits or whether they will be forced upon the exhibitors as a condition to the right to buy Hollywood films.

"These questions are disturbing the independent exhibitors and their misgivings have been voiced at recent meetings.

"With only a few exceptions foreign made pictures have not found favor with American audiences. It is not that Americans are provincial—their own Hollywood productions are universal in their appeal. The reason is that most foreign pictures, especially those made in England, are so excessively 'native.' The Hollywood writers and actors have achieved standards of diction and enunciation which make their productions popular throughout the English speaking world. In order to match Hollywood's success the British productions must attain that standard.

"The current March of Time, 'Challenge to Hollywood,' Vol. 12, No. 5, serves as a sample case. It tells of the great preparations being made by the British producers and contains scenes from some of the pictures. We urge exhibitors to see this film. They should then consider what the effect on American audiences would be if they used these scenes as advertising trailers. It is not our purpose, nor would it be fair, to rate the pictures according to these samples. But we deem it proper to comment on the unrestrained British accents of most of the actors.

"British producers will have to learn, possibly at some cost, that among Americans accents of such thickness are associated with character bits, butlers and comics—not with principals. There is no need for those actors to become completely Americanized; if they will pattern themselves after Cary Grant and other distinguished English actors in Hollywood they will do all right. This may take some time, but it will have to be done before the 'invasion' becomes a challenge to Hollywood or a benefit to American exhibitors.

"An influx of British pictures which are acceptable to American audiences would be a tonic for the entire industry. There is need for such pictures in addition to, but not in lieu of, the Hollywood productions. But they must be marketed on their merits and not forced on the independent exhibitors.

"In demanding the right to accept or reject these importations in the exercise of their free will, the independent exhibitors are on solid ground. While the major companies have sometimes included 'foreigners' in their blocks, they have always protected their own theatres against such pictures. This usually is accomplished by writing selective rights or exclusion rights into the contracts licensing pictures to affiliated theatres. Anyone desiring to pursue the subject will find clauses expressly excluding foreign pictures in the affiliated theatre franchises which are a part of the proof in the Government's suit. And finally, Sec. IV (b) of the Consent Decree provided that no consenting dis-

tributor should require an exhibitor to license foreigners as a condition of licensing other features.

"Eric Johnston, new head of the Hays Association, has made some notable statements on the subject of free enterprise. The right of the British producers to offer their films to American exhibitors, and the right of the exhibitors to accept those which are worthy and to reject those which are not, constitutes free enterprise. Any mutual back-scratching arrangement whereby the British and American producers exchange products and force them on unwilling exhibitors would be a denial of free enterprise.

"We do not recall that Mr. Hays ever protested against the gradual monopolization of the American industry by the Big Eight. Mr. Johnston now has the opportunity to halt this threatened international cartel in its incipency. He may offend some of his members by insisting on free enterprise now, but he will save them a lot of grief in the years ahead."

"The Outlaw" with Jane Russell, Jack Buettel, Walter Huston and Thomas Mitchell

(United Artists, Feb. 8; time, 115 min.)

This western, which has been kept out of release for the past four years, due to censorship difficulties, will probably do outstanding business because of the vast amount of publicity it has garnered for itself. The chief purpose for which the picture has been produced seems to be to attract picturegoers by making an appeal to their sex passions. The sex situations, both in action and in dialogue, are suggestive to such an extreme that the picture is definitely not for the family circle, least of all the children. Other than its studied emphasis on the sex angle, which is the most brazen the screen has seen in years, the story itself is fairly interesting, with a good share of gunplay and suspense, and with a number of situations of high melodramatic value. But it is an unpleasant story, containing nothing that will appeal either to one's intellect or to one's emotions. The principal characters live by lawlessness, and not one does anything to win the spectator's sympathy. At times the action bogs down, and at other times the dialogue is so absurd that laughter is provoked in scenes meant to be dramatic. Walter Huston, as a gambler, and Thomas Mitchell, as the sheriff, give their usual expert portrayals, but not much can be said for the acting of Jack Buettel, as Billy the Kid, and Jane Russell, as a half-breed girl; their performances are amateurish.

The story opens with Buettel, a young outlaw without morals, acquiring through questionable means a horse owned by Huston, whose reputation as a killer was known widely. Buettel's determination to retain the horse fascinates Huston, leading to a close association between the two. Their kinship in crime incurs the enmity of Sheriff Thomas Mitchell, Huston's former pal, who orders them out of town. Both decline to leave, but, when Buettel is wounded in a gunfight as the sheriff tries to arrest him for a killing, Huston helps the young desperado to escape and takes him to the cabin of Jane Russell, his (Huston's) girl-friend, whose brother had been killed by Buettel. Jane, despite her hatred for Buettel, switches her affections from Huston to him. Huston, disgruntled, makes a deal with Buettel to return his horse in exchange for Jane. From then on the action concerns itself with the efforts of Huston and Buettel to escape from the territory, with Mitchell close on their heels. The chase is marked by a series of events in which violence enters the love relationship between Jane and Buettel, and in which the different principals attempt to double-cross one another. Eventually, Huston is killed by the sheriff, who in turn, is outwitted by Buettel when he uses trickery in an attempt to disarm him. It all ends with the sheriff ignominiously handcuffed to a post, while Buettel and Jane ride off into the sunset.

Jules Furthman wrote the screen play, and Howard Hughes produced and directed it. The cast includes Joe Sawyer and others.

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Vol. XXVIII

SATURDAY, MARCH 30, 1946

No. 13

JACKSON PARK THEATRE DECISION NOW CONCLUSIVE

In a last desperate effort to upset the Jackson Park Theatre's sweeping victory against them in its anti-trust suit, in which it was awarded treble damages of \$360,000 and counsel fees of \$30,000, the defendant distributors and affiliated circuits in Chicago filed with the U. S. Supreme Court on Friday, March 22, a petition requesting a re-hearing on the grounds that the Jackson Park Theatre's specification of damages was imperfect.

On Monday, March 25, the Court denied the petition, thus bringing the case to a definite close.

As pointed out in the March 9 issue of this paper, the decision in the Jackson Park Theatre Case is one of the most important ever handed down by the Supreme Court, insofar as it affects the motion picture industry, for it serves to help the independent exhibitors hurdle one of the greatest obstacles they have had to contend with in the filing of treble damage suits under Section 7 of the Sherman Act—the difficulty of proving losses resulting from discriminatory practices in the distribution and exhibition of pictures. "The constant tendency of the courts," said Chief Justice Stone in the majority opinion, "is to find some way in which damages can be awarded where a wrong has been done. Difficulty of ascertainment is no longer confused with the right of recovery for a proven invasion of the plaintiffs' rights. . . The most elementary conceptions of justice and public policy require that the wrong-doer shall bear the risk of the uncertainty which his own wrong has created."

In view of the fact that I have received from this paper's subscribers an unusual number of requests for extra copies of the March 9 issue, in which was reproduced Abram F. Myers' comprehensive analysis of the decision, it is manifest that the Supreme Court's ruling has served to encourage independent exhibitors who believe that their grievances against the major distributors and the affiliated circuits are somewhat similar to those of the Jackson Park Theatre. A few of them have asked my advice as to whether or not their particular situations would come under the ruling.

Giving advice on such a matter would require legal training, as well as a thorough knowledge of the anti-trust laws; and since I am not a lawyer, I cannot undertake to advise any one as to what he should do.

I am sorry that I am compelled to disappoint some subscribers but I will not violate my rule of refraining from giving advice on matters that I am unfamiliar with. An exhibitor must consult a lawyer in matters legalistic.

MORE ON MOTION PICTURE CREDIT THE INDUSTRY DIDN'T GET

Walter T. Brown, who was Associate Coordinator on the Executive Staff of the War Activities Committee, has sent me the following letter, dated March 26:

"In connection with your story, 'Motion Picture Credit the Industry Didn't Get,' I would like to point out that 16mm gift films carried trailers saying, in effect, that the films were the gifts of the Motion Picture Industry. The wording of these trailers was changed from time to time.

"Further, 35 mm versions of gift films, shown in the theatres of the United States, carried trailers telling that the film was an overseas gift to service men and women. In this way both service people and at-home audiences knew that the films were furnished gratis.

"The files of the Army Overseas Motion Picture Service and the Public Relations Bureau, as well as the War Activities Committee and the files of the producers, bulged with letters from men and women overseas voicing their appreciation and thanks for the free films. I am enclosing tear sheets from the last 'Movies at War' which show some unusual correspondence concerning overseas films. At times the enemy forgot his orders to watch American films. Occasionally his eagerness to see a film cost him his freedom or his life.

"I know you will want to remind your readers of the errors in fact and conclusion in the March 23 edition."

Upon receipt of Mr. Brown's letter, I communicated with three servicemen, friends of mine, who have no connection with the industry, and asked them whether or not they were aware of the fact that the pictures they had seen overseas had been a gift of the motion picture industry. The first, who had spent 20 months in the European theatre, told me that he had seen about a dozen pictures. He recalled that some of the pictures were preceded by trailers indicating that the showing had been arranged through the Army Pictorial Service but he could not recall seeing any mention about the picture being a gift from the industry. The second serviceman, who had spent 14 months in Africa, followed by 13 months in Italy, did not know that the pictures were gifts until he reached Italy, and even then, in a good many instances, he had seen nothing that would indicate that the particular picture he was seeing had been furnished gratis by the industry. The third serviceman, a marine, who had spent a total of 33 months in the South Pacific, had been aware that the films were industry gifts,

(Continued on last page)

**"So Goes My Love" with Myrna Loy
and Don Ameche**

(Universal, April 19; time, 87 min.)

Set in the 1870's and dealing with the early domestic life of Hiram Maxim, the inventor, this comedy-drama is a charming, sentimental picture, with human appeal, loveable characterizations, and delightful comedy; it should direct an appeal mainly to family audiences in small-town and neighborhood theatres. Sophisticated audiences may find it tiresome because of its slow-paced action and its quiet type of humor, but that is in keeping with the mood of the story, which requires just such a tempo. Except for a highly dramatic sequence towards the finish, the emphasis is on the comedy, but in several instances the situations are so contrived and long-drawn out, and the comedy so forced, that they are rendered ineffective. On the whole, however, one is kept chuckling throughout:—

Myrna Loy, a spirited country girl, goes to New York to join her aunt and uncle, frankly admitting that she was out to find herself a wealthy husband and to make marriage her career. She falls in love with Don Ameche, a struggling young inventor, but because he was poor she accepts the marriage proposal of Richard Gaines, a stuffy but wealthy young man. At the last moment, however, she becomes dismayed at Gaines' stuffiness and asks Ameche to marry her, even though she knew that it meant a hand-to-mouth existence. Their first year of marriage is marked by hardships, but Myrna steadfastly encourages Ameche in his work and he soon finds his inventions clicking. They are blessed with a son, and as time passes Ameche becomes more and more famous and accumulates wealth. Their child (Bobby Driscoll) grows into a mischievous child, and his pranks constantly complicate Myrna's life. She attempts to interest Ameche in the community life about him, but he prefers eccentricity to solid respectability. Selfishly unaware of the distress he was causing Myrna, Ameche continues blithely aloof from the outside world until his son inadvertently causes an accident that injures Myrna severely and jeopardizes her life and the life of her unborn second baby. He goes through much agony until she gets safely over the crisis, and in gratefulness for her recovery he changes his way of life to please her.

Bruce Manning and James Clifden wrote the screen play based upon "A Genius in the Family" by Hiram Percy Maxim. Jack H. Skirball produced it, and Frank Ryan directed it. The cast includes Rhys Williams, Molly Lamont, Sarah Padden and others.

Unobjectionable morally.

"Mysterious Intruder" with Richard Dix

(Columbia, April 11; time, 62 min.)

For those who enjoy murder melodramas, this latest "Whistler" picture should give satisfaction. This time Richard Dix is shown as an unscrupulous private detective, who becomes involved in a series of kidnappings and murders when he attempts to steal a fortune from a missing heiress. The story itself is not new, but by virtue of the plot's novel though illogical twists, the good direction, and the competent performances, one's interest is held all the way through. Moreover, it is swift-moving, exciting, and suspenseful. It is not, however, a pleasant entertain-

ment. Dix's role is so unsympathetic that his attempted reformation at the finish, where he pays for his sins, has little effect on the spectator. Several of the situations offer tense melodramatic thrills:—

Paul Burns, a kindly old music store owner, engages Dix to find Pamela Blake, a girl he hadn't seen in seven years. He informs Dix that the girl's mother had died recently, leaving her certain items that would net her a fortune. Plotting to obtain the fortune for himself, Dix arranges with Helen Mowery to impersonate Pamela and sends her to Burns to claim the valuables. Unaware that Mike Mazurki, a thief, was hiding in the store and listening to his words, Burns tells Helen that the secret treasure consisted of two recordings made by Jenny Lind, which were valued at \$200,000. Mazurki steals a box from the cellar in the mistaken belief that it contained the recordings, then murders the old man and kidnaps Helen, but he releases her when he learns that she was an impostor. Aided by Helen, Dix locates Mazurki's hideout, but the police arrive at the same time. He escapes while Mazurki is shot down in a gun battle. Detectives Barton MacLane and Charles Lane learn of Dix's connection with the case but are unable to elicit from him information as to why Burns wanted to find Pamela. Long suspicious of Dix's operations, they locate Pamela and arrange with her to visit Dix to learn about her inheritance. Dix, planning to cheat the girl, informs her of the recordings and makes her his prisoner. She manages to escape and contacts the police. Meanwhile Helen had been murdered by Regis Toomey, her hotel manager, who had learned from her the secret of the recordings and planned to obtain them for himself. Dix, wrongfully suspected of the murder, is compelled to go into hiding. To clear himself, he decides to visit the cellar of the music store to find the recordings and turn them over to Pamela. There, he discovers Toomey with the records in his possession; he kills him in a gun battle. The police, attracted by the shots, raid the cellar and, suspecting Dix of foul play, shoot him down.

Eric Taylor wrote the screen play, Rudolph C. Flothow produced it, and William Castle directed it. The cast includes Nina Vale and others.

Adult entertainment.

**"Gay Blades" with Allan Lane
and Jean Rogers**

(Republic, Jan. 25; time, 67 min.)

A fair program entertainment. It mixes comedy and drama with romance and ice-hockey and manages to be fairly entertaining in each respect, in spite of the fact that the story is not particularly engrossing. Most of the comedy is provoked by the efforts of Jean Rogers, a Hollywood talent scout, to maneuver Allan Lane, an ice-hockey hero, into signing a movie contract. While never hilarious, the plot developments are consistently amusing. The closing scenes, where Lane abandons his screen career to help his teammates win the hockey championship, are fairly exciting. The performances are engaging:—

In order to find a male lead who fitted the requirements of Paul Harvey, her employer, head of Mammoth Studios, Jean embarks on a nationwide search. In New York she meets Lane, a husky fellow, and sets out on a campaign to sign him to a contract. Lane, whose interests lied in ice-hockey and archi-

ecture, is so entranced by Jean that he allows her to convince him that acting was his forte. Despite his dislike for screen tests, makeup applications, and elocution lessons, Lane submits to them because of his infatuation for her. In doing so, however, he sacrifices the friendship of his teammates, who malign him as a "softie." A tenseness come between Jean and Lane because of her contempt for his ice-hockey associates. Matters come to a climax when, in a decisive game, Lane accidentally injures Frank Albertson, his close friend and teammate. The accident serves to add to the bitterness his other teammates felt for him. Attempting to drown his sorrows in drink, Lane becomes involved in a street brawl and is arrested. The disparaging publicity about his potential star throws Harvey into a rage, causing him to cancel Lane's contract. Jean, realizing her love for Lane, gives up her job to be with him. This turnabout of Jean's builds up Lane's morale; he rejoins the team and wins the championship for them in a crucial game. It all ends with Albertson's recovery, and with Jean and Lane making plans for their future together.

Albert Beich wrote the screen play, and George Blair produced and directed it. The cast includes Anne Gillis, Robert Armstrong, Edward Ashley and others.

Unobjectionable morally.

"Just Before Dawn" with Warner Baxter

(Columbia, March 7; time, 65 min.)

An ordinary program murder mystery melodrama, which at times is quite tedious. It is another in the "Crime Doctor" series, but it is not as exciting as its predecessors. In a few situations it is suspenseful, but on the whole the story is illogical and somewhat confusing. The chief trouble with it is that there is too much talk and very little action. As a matter of fact, the plot is developed mostly by dialogue, and unless one hangs on to every word spoken one has no idea of what the story is all about. There is no romantic interest, nor is there any comedy:—

Called to the home of a neighbor (Mona Barrie) to administer aid to George Meeker, a diabetic, who had suddenly collapsed during a party, Warner Baxter, a noted psychiatrist, uses the stricken man's own case to give him an injection of insulin. Meeker dies within fifteen minutes, and Baxter discovers that the hypodermic needle had contained poison instead of insulin. Investigating the case, Baxter receives information from Meeker's sister (Adelle Roberts) that leads him to Peggy Converse, a girl from whom Meeker had extorted money. But, before he can question the girls fully, both disappear. Later, Marvin Miller, posing as the dead man's brother, visits Baxter and makes an attempt on his life, leaving the psychiatrist temporarily blinded. Different clues lead Baxter to believe that Miller was the underworld agent of a mysterious plastic surgeon, who transformed the faces of criminals to cheat the law. Disguising himself as a well known criminal, Baxter visits Miller under the pretense of wanting a "face-lifting." Miller takes him to a mortuary owned by Martin Kosleck, where the operation was to be performed. There he discovers the bodies of the missing girls. After arranging for the quiet arrest of Miller and Kosleck, Baxter lays plans to catch the mysterious plastic surgeon. Wearing dark glasses and carrying a cane to simulate blind-

ness, Baxter brings together the group that had been present at the time of Meeker's death. He talks to each privately, and while closeted with Wilton Graff, the family doctor, the latter, believing Baxter to be blind, pours a vial of poison into his drink, thus revealing himself as the guilty person, who had committed the murders to silence those who had learned of his identity.

Eric Taylor and Aubrey Wisberg wrote the screen play, Rudolph C. Flothow produced it, and William Castle directed it.

Unobjectionable morally.

"Perilous Holiday" with Pat O'Brien and Ruth Warrick

(Columbia, March 21; time, 89 min.)

"Perilous Holiday," a romantic comedy-melodrama set in Mexico City and dealing with international crooks, suffers from a thin, confusing script, yet there is such a gay spirit about most of the action that it manages to be entertaining throughout. Pat O'Brien, as an American secret agent on the trail of international counterfeiters, but with enough time on his hands to seek romance with two glamorous women, is chiefly responsible for the film's engaging quality; he is properly hard-boiled or roguishly merry, according to the demands of the situation. In several sequences he sings rollicking Irish melodies in a most enjoyable way. The melodramatic part of the picture is strictly hokum, but it has enough thrills and excitement to satisfy the average theatre-goer. There are a few Latin-American musical sequences featuring Eddie LeBaron's Continental Orchestra:—

While in Mexico City on a secret mission, O'Brien starts a flirtation with Audrey Long, an American vacationist. Later, acting on orders, he switches his attentions to Ruth Warrick, a Boston newspaper-woman, to learn her reason for coming to Mexico. Audrey, to be near O'Brien, contrives to have Edgar Buchanan, a wealthy tourist, take her to a local nightclub, where they join him and Ruth. There, O'Brien learns that Alan Hale, owner of the club, had been responsible for the death of Ruth's father, and that she had come to Mexico to expose his secret "racket." In the course of events, both Buchanan and Hale offer O'Brien a huge sum of money to leave the country. Meanwhile Audrey, to break up the blossoming romance between Ruth and O'Brien, informs her that she had become engaged to him. O'Brien, suspecting Hale and Buchanan because of their offers, joins forces with Ruth to investigate them. They steal into Hale's home and discover conclusive evidence that he and Buchanan intended to flood Europe with counterfeit United States currency. Both are caught by Hale, who makes preparations to dispose of them. O'Brien, however, having anticipated their capture, had made arrangements with the local police to stand by. He and Ruth are rescued when the police break in and round up Hale and his confederates. Audrey, arriving on the scene, confesses to Ruth that she had lied about her engagement to O'Brien, paving the way for a reconciliation between them.

Roy Chanslor wrote the screen play, Phil L. Ryan produced it, and Edward H. Griffith directed it. The cast includes Eduardo Ciannelli, Minna Gombell and others.

Unobjectionable morally.

but he, too, claimed that many of the pictures failed to carry trailers informing the servicemen of the industry's generosity. He pointed out that, during the four months he had spent in Japan, none of the pictures he had seen carried any mention that they were gift films.

And finally, here is what my friend, the young Army officer who was connected prominently with the industry before the war, and who gave me the information on which my editorial was based, has to say:

"I can only recite the facts as I saw and assayed them. I must say that, insofar as the people at home are concerned, the industry did publicize its efforts to entertain the servicemen overseas, because the intelligence that pictures were being distributed gratis to the armed forces overseas came to me in the form of a trailer exhibited after a feature I had seen on my return to the United States. At that time I had eighteen months of overseas service behind me and this was the first indication I had of the generosity of the motion picture industry.

"I subsequently served an additional seventeen months in the South Pacific and saw scores of pictures—frequently far in advance of domestic release dates, and while I purposely watched for it I never saw any indication that the pictures were donated by the industry. In other words, of all the men who served overseas and placed the greatest value on the diversion afforded by motion pictures, few were aware of the industry's expensive and thoughtful gesture."

In view of what these servicemen have to say, one comes to the conclusion that, though an effort was made to apprise the fighting forces overseas of the industry's contribution towards the upkeep of their morale, the methods employed to accomplish that aim were not very effective. Accordingly, the responsibility for this inefficacy lies at the door of the War Activities Committee.

AGAIN ABOUT CANDY PROFITS

As predicted in the March 16 issue of this paper, the exhibitors have not taken too kindly to the ideas expressed recently by Jack Cohn, Columbia's executive vice-president, who believes that a theatre's candy concession receipts should be considered as part of the gross receipts in accounting for percentage engagements.

According to a report in weekly *Variety*, the standing committee of the Associated Theatre Owners of Indiana, through Don Rossiter, its secretary, has advised its independent exhibitor members to resist distributor claims for a share of the candy profits as a "new inroad on the privacy and right to operate their business as they see fit."

"Your committee," said Rossiter, "would like to point out that if an exhibitor includes concession overhead in charges against percentage picture earnings, it is because he has been forced—if he wants to show a profit—to do so by the exorbitant film rentals charged. . . . Even if we concede to the distributors that it is wrong to charge concession overhead against percentage pictures, how can the distributors by the wildest stretch of the imagination demand a percentage of the concession receipts? At the most, concession overhead should be separated from theatre overhead."

HARRY BRANDT—THE PSEUDO-INDEPENDENT

The trade papers report that a group headed by Harry Brandt, who, besides owning a circuit of theatres in and about the New York area, is head of the Independent Theatre Owners Association of New York, has announced plans for the formation of a new producing and national distributing company, as well as the purchase of Film Classics, which deals in the distribution of reissues.

Under the plan devised by Brandt and his associates, the new pictures, as well as the reissues now handled by Film Classics, would be distributed through exchanges in every key city in the country, with local exhibitors having a financial interest in the exchange in their city. According to the report, Brandt has broached the plan to his association's members, and it is said that they favor it.

For many years, the truly independent exhibitors in this country have fought valiantly to bring about a divorcement of theatres from production-distribution as a means of settling the disputes that have kept the industry in a turmoil. In this fight they are being helped by the Federal Government, which has brought against the producer-distributors an anti-trust suit intended to effect the separation of their theatre operations from their production-distribution activities. Yet Brandt, who classifies himself as an "independent exhibitor," wants to do the very thing the Government is trying to break up.

If Brandt should follow through with his plans, it will not be the first time that he has done the interests of independent exhibition a decided disservice.

A COMMENDABLE DECISION

The recent agreement reached between Metro-Goldwyn-Mayer and the Hal Wallis organization for the production of a single motion picture dealing with the atomic bomb is indeed a commendable one.

Prior to the agreement both companies had embarked on a hectic race to be the first to produce and release a picture relating to that all-important subject.

The agreement calls for the transfer to MGM of all story material and research information gathered by the Wallis organization for incorporation in the MGM picture, to be known as "The Beginning or The End." The decision to combine their efforts for the production of one picture, in which both companies will have a financial interest, was brought about by the mutual recognition that two pictures dealing with the same subject would involve duplication of scenes, personalities and episodes, possibly resulting in a lessening of the dramatic appeal of each. Under the agreement, MGM will produce and release the picture, with Wallis consulting on the different phases of production.

HARRISON'S REPORTS congratulates the MGM executives and Hal Wallis on their farsightedness in reaching such an agreement, and wishes them every success. The production and simultaneous release of two pictures dealing with the atomic bomb might have endangered the huge investment each would have made. And it goes without saying that the exhibitor, too, might have suffered.

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A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING**Vol. XXVIII****SATURDAY, APRIL 6, 1946****No. 14**

THE NEW EXHIBITOR ASSOCIATION

Meeting in St. Louis on Monday and Tuesday of this week, the proponents of the Theatre Activities Committee formally organized their new exhibitor organization under the name of the American Theatres Association.

Elected as temporary officers for an indefinite period, pending regular elections at some future date, were the following:

Ted R. Gamble, Portland, Ore., chairman of the board of directors; Si Fabian, New York City, president; Charles P. Skouras, Los Angeles, first vice-president; William Skirball, Cleveland, second vice-president; Sam Pinanski, Boston, treasurer; and William Crockett, Virginia, secretary. Elected also were fifteen regional vice-presidents.

Under the approved constitution and by-laws, the board of directors will be composed of one director from each state having a population of less than one million, two from states having between one and two million population, and three from states having more than three million. In states having three directors not more than one shall be in some way associated with an affiliated circuit. The constitution requires that the president shall appoint, if necessary, sufficient directors at large so that the majority of the board shall at all times consist of independent exhibitors.

Membership is open to all persons, firms, or corporations, including associations to which they belong, regularly exhibiting 35mm. films on a commercial basis.

A \$100,000 budget was approved for the first year of operation, with assessments to be made in accordance with established distributor percentage figures for each exchange area. The exhibitors in each area will decide for themselves the method by which the money will be raised. Dues are to be determined by the board of directors.

Stating that the primary purpose of the association is to establish the theatres of the country as a national institution of dignity, influence and responsibility, Si Fabian, in his keynote address, placed the specific objectives within a framework of two categories—public relations and industry welfare.

In the matter of public relations, he described this category as having two aspects, internal and external. Internally, he stated that the exhibitors cannot adequately present the true values of the theatres as a public institution "unless they are made conscious of the instrumentality for public good they hold in their hands and are militantly proud of their association with it and humbly aware of their great responsibility." He added that this phase of the program included consideration of a self-imposed code of ethics for theatres in their relations with the public, standards of safety, of sanitation, and of comfort; awards to industry members for outstanding achievement within the industry; plaques of recognition for compliance with the standards decided upon; an educational program to improve the knowledge of new members (and old) concerning good business methods, pitfalls, good and dangerous practices, and in a broader sense engender within the industry keener appreciation of the theatre, its products, its traditions and the great force it must be in the world community of the future; a social program to develop among the industry a sense of oneness, sympathy and fraternity; and a program for passing on the appropriateness and wisdom of public interest in screen subjects.

Fabian suggested that the external phase of the public relations program should include participation in public charity projects, which would include determination of industry leadership, methods, goals, motivation, publicity, and general control; Government cooperation and the use of screens for Government subjects; use of theatres and facilities for public cooperation; public endorsement of industry opposition to public matters not selfishly related to the industry but of such character as to recommend the industry's interest and strength in their determination, such as full employment, public health, housing, and other public matters in which leaders of other industries have been heard but concerning which the industry has been silent; donations to charity by the industry; establishment of scholarships by the industry; awards to citizens for outstanding contributions to peace, science and the arts; institutional advertising; institutional radio programs; awards to writers for outstanding stories; and awards to producers for outstanding productions.

In the matter of industry welfare, Fabian said that it would be within the province of the association to "study and assert the advocacy in legislative, governmental and other matters affecting the industry and its operations," and he outlined these as including taxes, building codes, licensing, censorship, interstate commerce, public health and discriminatory legislation.

Apparently motivated by the criticisms that have been hurled at the formation of this new association, Fabian gave a number of assurances for the record. He said that there is no intention or desire to deprive individual exhibitors of their independent right to operate their businesses in their own best interests without interference or coercion; to dominate intra-industry matters, clearance, distributor-exhibitor relations, or other internal trade practices; or to permit producer affiliated theatres to dominate or dictate policy or action. He added that it was not the intention of the association to be in disparagement of or in conflict with efficient national, state and city exhibitor organizations now functioning.

Among the resolutions adopted was one limiting audience collections to one in any calendar year, with the proceeds to be divided among as many charitable organizations as are approved by a seven-man committee, comprised of not more than three affiliated exhibitors and not less than four independent exhibitors. This resolution is in keeping with the suggestion made recently by National Allied, which urged a single industry collection for all causes.

A cursory view of the action taken in St. Louis leaves one with the impression that the stated objectives of the ATA are admirable, and that, under its constitution and by-laws, independent exhibitors, by reason of the majority status offered them on the board of directors as well as on the different committees, should have a strong voice in the decisions that will be made. But when one scrutinizes what has taken place one gets a feeling that molasses is being spread to catch some flies. As a matter of fact, one might well ponder the reasons why this new association, which is overwhelmingly comprised of theatre men who are either directly or indirectly connected with the affiliated interests, and who are footing the bills, has set itself up on a basis that seemingly permits domination by independent exhibitor members, of whom, at this time, there are probably not enough to fill the places on the board and the different committees. Such a set-up smacks of the unnatural.

(Continued on last page)

"Black Market Babies" with Kane Richmond and Ralph Morgan

(Monogram, Jan. 5; time, 71 min.)

An interesting program melodrama, revolving around a racket that is said to be flourishing in some sections of the country—the sale for adoption of unwanted, illegitimate babies. Since the subject has been publicized widely in newspaper and magazine articles, the picture is the sort that lends itself to exploitation. The story itself is thin, and its presentation follows a familiar racketeer-picture formula, involving murder, switching of babies, and a crooked "mouthpiece" to guide the nefarious doings, but it manages to hold one's interest fairly well because of the competent performances and of the heart-stirring situations. One such situation shows the head gangster switching a still-born child with the new-born baby of his wife's sister in order to complete an adoption deal; the grief of the young mother, who had been falsely informed that her baby had died, is heartbreaking. It is not a cheerful entertainment, and at times the situations are distasteful:—

Kane Richmond, a cunning gangster, forces Ralph Morgan, a weak-charactered doctor, to join him in the establishment of a maternity hospital to deal in the sale of unwanted babies. Under the plan, unwed mothers, as well as others, could get rid of their babies without going through legal adoption procedures, while Richmond sold the infants to people who could not otherwise adopt children through recognized agencies. Guided by George Meeker, an unscrupulous attorney, Richmond operated within the boundaries of the law. He makes a slip, however, when he concludes a deal with an elderly couple to sell them the illegitimate baby of their dead son and Maris Wrixon. When Maris' baby dies at birth, Richmond, rather than lose the \$5,000 he had been offered, replaces the dead child with the new-born son of Teala Loring, his wife's sister, who in turn is told that her child had died. Richmond's troubles begin when Maris, unaware that her baby had died, asks for its return. When Richmond refuses her request, she takes the matter to the district attorney, whose investigation discloses evidence of the baby switch. Richmond, arrested but released on bail, tries to compel Morgan to accept responsibility for the switch, but the unwilling doctor, sick of the unscrupulous doings, refuses and kills him in a fight. Teala's baby is returned to her, and Morgan, though freed of Richmond's murder, is held for trial on the baby deals.

George Wallace Sayre wrote the screen play, Jeffrey Bernerd produced it, and William Beaudine directed it. The cast includes Nana Bryant, Addison Richards and others.

Adult entertainment.

"Devotion" with Ida Lupino, Olivia de Havilland and Paul Henreid

(Warner Bros., Apr. 20; time, 107 min.)

Artistically produced, intelligently directed, and well acted, "Devotion" is a satisfactory entertainment for class audiences. Its slow-paced action, its heavy mood, and its intellectual dialogue, limits its appeal for the rank and file. The story, which is biographical of the famed Bronte sisters, who wrote "Jane Eyre" and "Wuthering Heights," is a touching period drama of frustrated love, and of the trials and heartaches of the sisters. It has its frivolous moments, but on the whole it is cheerless, because

the characters constantly find themselves in an emotional muddle. Several of the situations, however, direct a strong appeal to the emotions of sympathy. The action takes place in 1830, against a Yorkshire village background:—

Charlotte, Emily, and Anne Bronte (Olivia de Havilland, Ida Lupino, and Nancy Coleman) live with their father, Rev. Bronte (Montagu Love) and their erratic brother, Bramwell (Arthur Kennedy). The girls, sensitive, intelligent, and high strung, continually write poems, essays, and novels. Bramwell, whose excessive drinking was a constant source of embarrassment to his sisters, nevertheless enjoyed their confidence in his ability to write poetry and to paint, although he was not adept in either art. The family having little money, the sisters make big sacrifices to finance him. Romance comes into the life of Emily when she falls in love with the Rev. Nicholls (Paul Henreid), the new curate in her father's parish, but Nicholls, infatuated with Charlotte, cannot return her love. Impressed with the literary genius of both Charlotte and Emily, Nicholls secretly buys one of Bramwell's paintings to finance their education in Brussels. The girls return to England when Bramwell falls seriously ill, arriving before his death. Nicholls, realizing that the love both Emily and Charlotte felt for him was causing them great unhappiness, leaves the parish to resolve the desperate situation. Months later, Charlotte's "Jane Eyre" is published and it becomes a literary sensation. Charlotte goes to London, where she is squired about in triumph by the great Thackeray (Sydney Greenstreet). Shortly afterwards, Emily's "Wuthering Heights" is published, and many critics recognize it as the greater book. Emily, grieved by her unrequited love for Nicholls, becomes desperately ill and dies in her hour of triumph. Soon thereafter, Nicholls returns from London to solace Charlotte.

Keither Winter wrote the screen play, Robert Buckner produced it, and Curtis Bernhardt directed it. The cast includes Dame Mae Whitty, Victor Francen and others.

Unobjectionable morally.

"Night Editor" with William Gargan and Janis Carter

(Columbia, Apr. 18; time, 67 min.)

A minor program murder melodrama. It derives its title from the radio program of the same name, but the story has nothing to do with newspapermen other than the fact that the tale is a news editor's recital, in flashback, of a detective's dereliction in the performance of his duty, brought about by his desire to keep secret his illicit love affair with a married woman. The story is somewhat unpleasant in that the hero treats his devoted wife and child shabbily, but his eventual regeneration makes the spectator feel more sympathetic towards him. On the whole the picture should get by with those who are not too particular about their screen fare, for it has a fair share of excitement and suspense:—

In an effort to steer an erring member of his staff to a better way of life, Charles D. Brown, a news editor, relates the experience of William Gargan, whose infatuation for Janis Carter, a predatory society woman, had ruined his career and had almost broken up his marriage to Jeff Donnell. While parking on a lonely road with Janis, Gargan had witnessed the murder of a young woman, but he had not reported the crime lest his affair with Janis be

found out. He had been assigned to help solve the murder and, in the course of his investigation, he had discovered that the dead girl had been a friend of Janis', and had found reason to suspect Frank Wilcox, a banker, as the killer. When an innocent vagrant had been arrested and found guilty of the crime, Gargan had worked untiringly to obtain evidence against Wilcox, but Janis, who had fallen in love with him, had doublecrossed Gargan by swearing that she had been to a movie with Wilcox on the night of the murder. To disprove that alibi and save an innocent man from the chair, Gargan had revealed his relationship with Janis and had proved that he himself had been with Janis on the night of the crime. Gargan had been stripped of his badge for neglect of duty, but he had gained his wife's forgiveness and had become a contented family man. The young reporter, for whose benefit the editor had related the story, vows to return to his family and to change his ways.

Hal Smith wrote the screen play, Ted Richmond produced it, and Henry Levin directed it. The cast includes Harry Shannon, Paul E. Burns and others. Adult entertainment.

"The Dark Corner" with Lucille Ball, Mark Stevens, William Bendix and Clifton Webb

(20th Century-Fox, May; time, 99 min.)

The followers of tough, hard-hitting murder melodramas should find this exciting entertainment. The story, which revolves around an harassed private detective, who is suspected of having murdered his blackmailing ex-partner, has a few glaring weaknesses and is a bit too slow at times, but it has been presented in so interesting a fashion that one's attention is held throughout. There is no mystery involved since the spectator is aware of the methods employed to frame the detective, for this reason the interest lies in the manner in which he unravels the plot against him. Several of the situations are highly melodramatic and full of suspense. Mark Stevens, as the tenacious detective, handy with his fists, is very good, as are the other players in the cast:—

Aware that Cathy Downs, his wife, was having an affair with Kurt Krueger, a suave blackmailer, Clifton Webb, an art collector, employs William Bendix, a gangster, to carry out a scheme by which Mark Stevens would be tricked into killing Krueger. Webb had learned that, years previously, Krueger had been Stevens' partner, and that he had framed him in an auto accident, causing him to serve a three-year prison term for manslaughter. Bendix cleverly leads Stevens to believe that he had been hired by Krueger to molest him, but he fails to rouse Stevens to the point of murdering the blackmailer. Webb, impatient, arranges for Bendix to kill Krueger himself and to hide his body in Stevens' apartment. Shortly thereafter, Webb gets rid of Bendix by pushing him out of a skyscraper window. Meanwhile Stevens, aware that the police would think that he had killed Krueger out of revenge, conceals his body and, with the aid of Lucille Ball, his secretary, begins the job of tracking down different clues to learn who was behind both murders. His investigation eventually leads him to Webb's art gallery, where he comes upon conclusive evidence that proves the art collector's guilt. Webb, gaining the upper hand, admits the killings and prepares to make Stevens his

third victim. But his wife, having overheard his admission that he had been responsible for her lover's death, goes berserk with rage and shoots him down. Cleared of suspicion, Stevens looks forward to a peaceful married life with Lucille.

Jay Dratler and Bernard Schoenfeld wrote the screen play, Fred Kohlmar produced it, and Henry Hathaway directed it. The cast includes Reed Haley, Constance Collier and others.

Adult entertainment.

"Suspense" with Belita, Barry Sullivan, Eugene Palette and Bonita Granville

(Monogram, no release date set; time, 101 min.)

Very good! It is the most expensive picture yet produced by Monogram, and a comparison of its quality with that of the "A" pictures produced by the major studios certainly entitles it to top playing time. Its mixture of psychological murder melodrama and dazzling ice-skating routines is an odd combination, but so expertly have the two been blended that one's interest is gripped from start to finish. The picture lives up to its title in that suspense is ever present as it weaves a tense tale of jealousy and murder, revolving around a tough, unscrupulous opportunist, who makes love to his employer's wife and takes over his business. Some of the situations will keep the spectator on the edge of his seat. The skating sequences are extremely fascinating; many patrons will judge them as being the best ever seen on the screen. Belita executes her routines with a daring and grace that is thrilling to see. Moreover, she gives a good account of herself in the acting department, displaying a marked improvement over her previous efforts. Barry Sullivan, as her aggressive lover, is cast in a most unsympathetic role, but his performance is very good. Particularly noteworthy is the photography:—

Penniless, Sullivan arrives in Los Angeles and applies to Albert Dekker, an ice-show producer, for a job. Starting as a peanut vendor, he soon wins Dekker's confidence and is promoted as his assistant. Dekker leaves on a business trip and, during his absence, Sullivan wins the love of Belita, Dekker's wife and star of the show. Upon his return, Dekker, noticing the infatuation, closes the show and takes Belita to their mountain lodge for a vacation. Sullivan follows them, and Dekker, insanely jealous, attempts to shoot him with a high-powered rifle. The shot causes a snow slide in which Dekker is apparently buried. Free to marry, Belita and Sullivan find their happiness marred by clues indicating that Dekker was still alive, and by the interference of Bonita Granville, a woman out of Sullivan's past, who was determined to break up their romance. Dekker eventually makes his appearance only to be murdered by Sullivan. Belita, shocked by his ruthlessness, demands that Sullivan give himself up. To keep the murder secret, Sullivan plots to kill Belita during an ice-skating routine in which she jumped through a hoop of knives. He loses his nerve, however, and as he leaves the auditorium Bonita, in a jealous rage, shoots him down. With husband and lover gone, Belita goes on with her skating career.

Philip Yordan wrote the screen play, Maurice and Frank King produced it, and Frank Tuttle directed it. The cast includes George E. Stone, Miguelito Valdes, Bobby Ramos and his band and others.

Adult entertainment.

Let us analyze the events thus far. As most of you undoubtedly know, the truly independent exhibitor organizations, such as Allied and the other units of the C.I.E.A., have from the start openly opposed the formation of this new association, not only because its promoters represented chiefly the affiliated interests, but also because what they offered or proposed for the welfare of exhibition differed little from the plans of the existing exhibitor organizations. Since the avowed purpose of the new organization was to establish a unified exhibitor front in matters other than intra-industry relations, one would think that its proponents would have abandoned the idea after the cool reception accorded it among independent exhibitors. But, despite this conspicuous absence of independent exhibitor support, they determined that the new association should come into being, and formulated plans for the St. Louis meeting.

According to trade paper reports, some 200 persons registered at the meeting. This number included, besides theatremen, members of the press, distributor representatives, and exhibitors' wives. The list of those who attended, as released by the ATA, reveals that the greatest majority were affiliated theatremen. Four states had no representation whatever, and a number of other states did not have any independent representatives. And of the few independents who did attend, the majority were there as "observers." Ted Gamble, in his address, stated that those present represented more than 6,000 theatres. It is, therefore, obvious that the meeting was overwhelmingly dominated by the affiliated delegates.

It is manifest that the lack of independent exhibitor attendance was a disturbing (though not unexpected) factor at the convention, and that, to allay any fears that the association might be dominated by the affiliated members, the delegates present went to great lengths to lure the independents by offering them a majority voice in all decisions. But why? Were they motivated by a sincere desire to establish a unified exhibition front, or were they taking the first step in an overall scheme to supplant the inactive MPTOA, which the affiliated interests no longer find useful?

That such a move is in the offing is common industry knowledge. "Chick" Lewis, editor and publisher of *Showmen's Trade Review*, has this to say in his March 23 issue:

"There are many who predict that if the original and basic reasons for TAC (ATA) show promise and progress, the new organization may get into other exhibitor problems, too. This would be a natural growth."

And here is what Sherwin Kane, editor of *Motion Picture Daily*, has to say in his April 2 issue:

"The Theatre Activities Committee meeting in St. Louis quite obviously will have a great deal to do with the future of the MPTOA."

"If the TAC emerges from the St. Louis conference as a stalwart, well-organized exhibitor body, there is every reason to believe that the affiliated circuits will confine their organizational activities to it."

"The affiliated circuits, no doubt, will, in the future, be bearing the burden of financial support of TAC, just as they did during its pre-natal period. Once it is organized the expenses will go up, not down, and the contributions of the affiliated circuits will be considerable. It would be contrary to all expectations if the circuits were to continue their membership in the MPTOA under such circumstances."

While the MPTOA never accomplished much for the affiliated interests, it did come in handy to them as a front in battling genuine independent exhibitor organizations before legislative bodies. The legislators, not understanding the difference between affiliated and unaffiliated, looked upon the protests or recommendations of the MPTOA as coming from truly independent exhibitors. The chief use of the MPTOA was to show division in the independent ranks.

The outcome of the Government's New York anti-trust suit may find the affiliated circuits faced with many problems, and it is understandable that they would want to have in readiness an exhibitor organization through which they could speak.

It should be expected that the promoters of the ATA will now make a concerted drive to lure the independents into their ranks. HARRISON'S REPORTS suggests to the exhibitors that, for the present, they assume an attitude of watchful waiting lest they accept a gift horse and find that they had been handed a jackass.

A GREAT OPPORTUNITY TO GAIN THE PUBLIC'S GOOD WILL

Universal announced recently that, marking the first anniversary of the death of Franklin D. Roosevelt, it will release on April 12 "Roosevelt, Man of Destiny," a two-reel short subject, which is a newsreel biography of the late president from the time he took office in 1933 to the time of his death in 1945.

A prominent Eastern exhibitor has sent me the following letter regarding this short subject:

"Universal is shortly going to distribute a two-reel subject called 'Roosevelt, Man of Destiny,' which is about 19 minutes of newsreel clips with not one foot of new material, put together showing the highlights of Roosevelt's career as President since his first inauguration, with the large part of the footage devoted to his death and burial."

"The company apparently is selling this to exhibitors at about 50% higher than it would get for an ordinary two-reeler, and it will probably be listed as one of the specials they said they were distributing."

"My point in writing you this is that in the first place it seems to me to be pretty small potatoes to throw together newsreel footage, and then try to commercialize on the death of a President. If the proceeds were going to a Roosevelt charity maybe they would have an argument, but as far as I know all the profits are going into Universal's pockets, and to have a company do something like this for no other purpose but to make a couple of bucks out of a dead President is commercialism to the nth degree, and in the final analysis, when the company asks extra dough for a short, one would think at least that it would invest some money in a contribution to justify the increased cost."

There is considerable merit in the opinions expressed by this exhibitor, particularly his observation that it is in bad taste to commercialize on the death of Mr. Roosevelt, unless, of course, the proceeds would be used for charitable purposes. In the case of the late President, one thinks of the Warm Springs Foundation, which was his pet charity.

The more I think of this recommendation, and the more I mull it over, the more thoroughly convinced I become that Universal, by adopting a policy of distributing this short subject under a plan whereby the profits from film rentals would be turned over to the fight against infantile paralysis, would, indeed, not only confer a great blessing on the sufferers of this disease, but also win for itself and the entire industry the good will and respect of the public. An appropriately worded trailer could be tacked on to the end of the two-reeler informing the picture-goers of the contribution, with proper credit given to the theatre for exhibiting the film and paying for it.

The effect of such a plan on the picture patrons cannot help proving beneficial to the industry as a whole. During the past four years, hardly a month went by without the picture-goers being appealed to for their financial support in connection with either war loans or charity drives. It will, therefore, come as a pleasant surprise to them to learn that the industry was making a contribution of its own to a worthy cause without passing a collection box.

In view of the fact that the late President Roosevelt is considered by many to have been one of the greatest and most beloved Chief Executives this country ever had, a pictorial biography of his presidential career will undoubtedly appeal to most picture-goers, and exhibitors will take pride in showing it. Under the non-profit arrangement heretofore mentioned, most exhibitors would not hesitate to book it.

I believe that there is in this recommendation something that merits Universal's thoughtful consideration, and I sincerely hope that the company will see fit to adopt it.

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HARRISON'S REPORTS

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No. 14

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RELEASE SCHEDULE FOR FEATURES

Columbia Features

(729 Seventh Ave., New York 19, N. Y.)

7019 Life With Blondie—Singleton-Lake	Dec. 13
7012 One Way to Love—Carter-Morris	Dec. 20
7203 Texas Panhandle—Starrett (55 m.)	Dec. 20
7005 Pardon My Past—MacMurray-Chapman	Dec. 25
7035 Out of the Depths—Bannon-Hunter (formerly "Strange Voyage")	Dec. 27
7014 Meet Me on Broadway—Reynolds-Falkenburg	Jan. 3
7007 Tars and Spars—Blair-Drake	Jan. 10
7030 A Close Call for Boston Blackie—Morris	Jan. 24
7204 Frontier Gun Law—Charles Starrett (59m.)	Jan. 31

7028 The Notorious Lone Wolf—Mohr-Carter	Feb. 14
7205 Roaring Rangers—Charles Starrett (55m.)	Feb. 14
7004 Bandit of Sherwood Forest—Wilde-Louise	Feb. 21
7034 The Gentleman Misbehaves—Massen-Stanton (formerly "The Lady Misbehaves")	Feb. 28
7021 Just Before Dawn—Baxter-Roberts	Mar. 7
7221 Throw a Saddle on a Star—Western Musical (65 m.)	Mar. 14
7008 Perilous Holiday—O'Brien-Warrick	Mar. 21
7206 Gunning for Vengeance—Charles Starrett	Mar. 21
Talk About a Lady—Jinx Falkenburg	Mar. 28
Blondie's Lucky Day—Singleton-Lake	Apr. 4
Mysterious Intruder—Richard Dix	Apr. 11
Night Editor—Gargan-Carter	Apr. 18
7001 Gilda—Hayworth-Ford	Apr. 25
Phantom Thief—Chester Morris	May 2
Galloping Thunder—Charles Starrett	May 16
Texas Jamboree—Musical Western	May 23
The Man Who Dared—Brooks-Macready	May 30

(Ed. Note: "So Dark the Night," listed as a March 14 release in the last schedule, has been withdrawn.)

Metro-Goldwyn-Mayer Features

(1540 Broadway, New York 19, N. Y.)

Block 14

606 What Next, Corporal Hargrove?—Walker-Wynn	Nov. Dec.
607 She Went to the Races—Craig-Gifford	Nov. Dec.
608 Vacation from Marriage—Donat-Kerr	Nov. Dec.
610 Yolanda and the Thief—Astaire-Bremer	Nov. Dec.
609 They Were Expendable—Montgomery-Wayne	Nov. Dec.

Block 15

611 The Harvey Girls—Garland-Hodiak	Jan. Feb.
612 Portrait of Maria—Foreign cast	Jan. Feb.
613 Up Goes Maisie—Sothorn-Murphy	Jan. Feb.
614 A Letter for Evie—Hunt-Carroll	Jan. Feb.
615 Sailor Takes a Wife—Allyson-Walker	Jan. Feb.

Block 16

618 The Hoodlum Saint—Powell-Williams	Apr. May
619 Bad Bascomb—Beery-O'Brien	Apr. May
620 Postman Always Rings Twice—Garfield-Turner	Apr. May
621 The Last Chance—Foreign-made	Apr. May
622 Two Sisters from Boston—Durante-Allyson	Apr. May

Specials

605 Weekend at the Waldorf—All star	Oct.
616 Adventure—Gable-Garson	Feb.
617 Ziegfeld Follies of 1946—All-star cast	Mar.

Monogram Features

(630 Ninth Ave., New York 19, N. Y.)

561 Lonesome Trail—Jimmy Wakely (55 m.)	Dec. 8
501 Sunbonnet Sue—Storm-Regan	Dec. 8
505 Allotment Wives—Francis-Kelly (re.)	Dec. 29
504 Black Market Babies—Morgan-Loring (re.)	Jan. 5
565 Border Bandits—J. M. Brown (57 m.)	Jan. 12
516 Strange Mr. Gregory—Lowe-Rogers (re.)	Jan. 12
509 Live Wires—Bowery Boys	Jan. 12
528 Face of Marble—Carradine-Drake (re.)	Feb. 2
513 The Red Dragon—Sidney Toler	Feb. 2
527 The Shadow Returns—Kane Richmond (re.)	Feb. 16
572 Moon Over Montana—Jimmy Wakely (54 m.) (re.)	Feb. 23
566 The Haunted Mine—J. M. Brown (52 m.) (re.)	Mar. 2
507 Fear—William-Cookson	Mar. 2
503 Swing Parade of 1946—Storm-Regan	Mar. 16
573 West of the Alamo—Jimmy Wakely (57 m.)	Apr. 20
567 Under Arizona Skies—J. M. Brown (67 m.)	Apr. 27
514 Junior Prom—Stewart-Preisser	May 11

Paramount Features

(1501 Broadway, New York 18, N. Y.)

Block 2

- 4506 Hold That Blonde—Bracken-Lake Nov. 23
 4507 Stork Club—Hutton-Fitzgerald Dec. 28
 4508 People are Funny—Haley-Langford Jan. 11
 4509 Kitty—Milland-Goddard Jan. 25

Block 3

- 4511 Tokyo Rose—Barr-Massen Feb. 8
 4512 Masquerade in Mexico—Lamour-DeCordova Feb. 22
 4513 Miss Susie Slagle's—Lake-Tufts Mar. 8

Block 4

- 4516 The Virginian—McCrea-Donlevy Apr. 5
 4517 The Blue Dahlia—Ladd-Lake Apr. 19
 4518 They Made Me a Killer—Lowery-Britton... May 3
 4519 The Well-Groomed Bride—DeHavilland-Milland May 17

Block 5

- 4521 The Bride Wore Boots—Stanwyck-Cummings. May 31
 4522 Our Hearts Were Growing Up—Russell-Lynn June 14
 4523 Hot Cargo—Gargan-Reed June 28
 4524 To Each His Own—Olivia De Havilland... July 5

Special

- 4531 Road to Utopia—Crosby-Hope..... Mar. 22

PRC Pictures, Inc. Features

(625 Madison Ave., New York 22, N. Y.)

- Enchanted Forest—Lowe-Joyce Dec. 8
 How Do You Do?—Bert Gordon Dec. 24
 Strangler of the Swamp—LaPlanche-Barrat... Jan. 1
 Lightning Raiders—Buster Crabbe (66 m.)... Jan. 7
 Danny Boy—Robert "Buzzy" Henry..... Jan. 8
 Six Gun Man—Bob Steele (59 m.)..... Feb. 1
 Ambush Trail—Bob Steele (60 m.)..... Feb. 17
 The Flying Serpent—Zucco-Kramer..... Feb. 20
 I Ring Doorbells—Gwynne-Shayne..... Feb. 25
 Romance of the West—Eddie Dean (58 m.)... Mar. 20
 Gentlemen with Guns—Buster Crabbe (52m.) Mar. 27
 Mask of Dijon—Von Stroheim-Bates (re.)... Apr. 9
 Murder is My Business—Beaumont-Walker... Apr. 10
 Thunder Town—Bob Steele Apr. 10
 Devil Bat's Daughter—LaPlanche-James ... Apr. 15
 Caravan Trail—Eddie Dean (57 m.)..... Apr. 20
 Wife of Monte Cristo—Loder-Aubert..... Apr. 23
 Terrors on Horseback—Buster Crabbe (re.)... May 1

Republic Features

(1790 Broadway, New York 19, N. Y.)

- 507 Woman Who Came Back—Kelly-Loder..... Dec. 13
 553 The Cherokee Flash—Sunset Carson (55 m.) Dec. 13
 564 Wagon Wheels Westward—Bill Elliott (56m.) Dec. 21
 505 Dakota—Wayne-Ralston Dec. 25
 506 Song of Mexico—Mara-Barrier..... Dec. 28
 509 Gay Blades—Lane-Ashley..... Jan. 25
 508 A Guy Could Change—Lane-Frazee..... Jan. 27
 565 California Gold Rush—Elliott (56 m.)..... Feb. 4
 554 Days of Buffalo Bill—Carson (56 m.)..... Feb. 8
 510 The Madonna's Secret—Lederer-Patrick..... Feb. 16
 511 Crime of the Century—Bachelor-Browne.... Feb. 28
 447 Song of Arizona—Roy Rogers (68 m.).....

(1944-45) Mar. 9

- 513 Strange Impersonation—Gargan-Marshall... Mar. 16
 566 Sheriff of Redwood Valley—Bill Elliott..... Mar. 29
 512 Murder in the Music Hall—Ralston..... Apr. 10
 515 Undercover Woman—Livingston-Withers ... Apr. 11
 5501 Home on the Range—Hale (Magnacolor) (55 m.) Apr. 20

RKO Features

(1270 Sixth Ave., New York 20, N. Y.)

(No national release dates)

Block 2

- 606 Man Alive—O'Brien-Drew-Menjou
 607 First Yank Into Tokyo—Neal-Hale
 608 Isle of the Dead—Karloff-Drew
 609 Wanderer of the Wasteland—Warren-Long
 610 The Spanish Main—Henreid-O'Hara

Block 3

- 611 The Spiral Staircase—Brent-McGuire.....
 612 Cornered—Dick Powell
 613 Dick Tracy—Conway-Jeffreys
 614 Sing Your Way Home—Haley-Jeffreys.....
 615 Hotel Reserve—English cast.....

Block 4

- 616 From This Day Forward—Joan Fontaine
 617 Deadline at Dawn—Hayward-Lukas
 618 Tarzan and the Leopard Woman—Weissmuller.....
 619 A Game of Death—Loder-Long
 620 Riverboat Rhythm—Leon Errol

Specials

- 681 Along Came Jones—Cooper-Young
 651 Wonder Man—Danny Kaye
 691 Wonderful Adventures of Pinocchio—(reissue)
 661 Bells of St. Mary's—Crosby-Bergman
 682 Tomorrow is Forever—Colbert-Welles-Brent

Twentieth Century-Fox Features

(444 W. 56th St., New York 19, N. Y.)

- 609 The Dolly Sisters—Grable-Haver Nov.
 611 And Then There Were None—Fitzgerald-Huston Nov.
 612 Fallen Angel—Faye-Andrews Dec.
 613 The Spider—Conte-Marlowe Dec.
 617 Doll Face—O'Keefe-Blaine Jan.
 610 Col. Effingham's Raid—Coburn-Bennett..... Feb.
 620 Behind Green Lights—Landis-Gargan..... Feb.
 615 Shock—Price-Bari Feb.
 618 Jesse James—Reissue Feb.
 619 Return of Frank James—Reissue Feb.
 616 A Walk in the Sun—Andrews-Conte..... Mar.
 621 Sentimental Journey—Payne-O'Hara Mar.
 622 A Yank in London—English made Mar.
 623 Dragonwyck—Tierney-Price Apr.
 624 Johnny Comes Flying Home—Stewart-Crane.... Apr.

Specials

- 602 Wilson—Knox-Fitzgerald Aug.
 614 Leave Her to Heaven—Tierney-Wilde..... Jan.

United Artists Features

(729 Seventh Ave., New York 19, N. Y.)

- Getting Gertie's Garter—O'Keefe-McDonald ... Nov. 30
 Blithe Spirit—English cast Dec. 14
 Spellbound—Bergman-Peck Dec. 28
 Abilene Town—Scott-Dvorak Jan. 11
 Whistle Stop—Raft-Gardner Jan. 25
 The Outlaw—Russell-Buetel Feb. 8
 Diary of a Chambermaid—Goddard-Meredith.... Feb. 15
 Breakfast in Hollywood—Tom Breneman..... Feb. 22
 Young Widow—Russell-Hayward Mar. 1
 Johnny in the Clouds—English Cast Mar. 15
 Rebecca—Olivier-Fontaine (reissue) Apr. 26
 A Night in Casablanca—Marx Bros..... May 10

Universal Features

(1270 Sixth Ave., New York 20, N. Y.)

- 511 House of Dracula—Chaney-Atwill Dec. 7
 512 Pillow of Death—Chaney-Joyce Dec. 14
 513 Frontier Gal—De Carlo-Cameron Dec. 21
 514 Scarlet Street—Robinson-Bennett Dec. 28
 515 Girl on the Spot—Collier-Barker..... Jan. 11
 516 Because of Him—Durbin-Laughton..... Jan. 18
 1104 Gun Town—Grant-Knight (53 m.)..... Jan. 18
 517 Terror by Night—Rathbone-Bruce (re.)... Feb. 1
 518 Idea Girl—Barker-Bishop Feb. 8
 519 The Seventh Veil—English cast Feb. 15
 520 Little Giant—Abbott & Costello Feb. 22
 521 Smooth As Silk—Taylor-Grey (formerly "Notorious Gentleman")..... Mar. 1
 522 Tangier—Montez-Paige (reset) Mar. 8
 523 The Man in Grey—English cast Mar. 15
 524 Spider Woman Strikes Back—Sondergaard-Grant Mar. 22
 525 House of Horrors—Goodwin-Lowery Mar. 29
 526 Madonna of the Seven Moons—English cast. Apr. 5
 527 Blonde Alibi—Neal-O'Driscoll Apr. 12
 528 So Goes My Love—Loy-Ameche Apr. 19
 529 Night in Paradise—Bey-Oberon May 3
 530 Strange Conquest—Wyatt-Gilmore May 10
 531 She Wolf of London—Haden-Porter May 17
 532 The Cat Creeps—Collier-Brady May 17
 533 She Wrote the Book—Davis-Oakie..... May 31

Warner Bros. Features

(321 W. 44th St., New York 18, N. Y.)

- 505 Mildred Pierce—Crawford-Carson-Scott Oct. 20
 506 Confidential Agent—Boyer-Bacall Nov. 10
 507 Too Young to Know—Leslie-Hutton Dec. 1

508	Danger Signal—Emerson-Scott	Dec. 15
509	San Antonio—Errol-Flynn	Dec. 29
510	My Reputation—Stanwyck-Brent	Jan. 26
511	Three Strangers—Greenstreet-Lorre	Feb. 16
512	Burma Victory—Documentary	Feb. 16
513	Cinderella Jones—Leslie-Alda	Mar. 9
514	Saratoga Trunk—Bergman-Cooper	Mar. 30
515	City for Conquest—Cagney-Sheridan (reissue)	Apr. 1
516	No Time for Comedy—Stewart-Russell (reissue)	Apr. 13
517	Devotion—Lupino-De Havilland-Henreid	Apr. 20
518	Her Kind of Man—Clark-Paige-Scott	May 11

SHORT SUBJECT RELEASE SCHEDULE

Columbia—One Reel

7854	Screen Snapshots No. 4 (9 m.)	Dec. 13
7953	Morale's Copacabana Orch.—Film Vodvil (11 m.)	Dec. 13
7804	Mermaids' Paradise—Sports (9½ m.)	Dec. 20
7654	Community Sings No. 4 (11 m.)	Dec. 20
7855	Screen Snapshots No. 5 (9 m.)	Jan. 17
7655	Community Sings No. 5 (10 m.)	Jan. 17
7805	Rasslin' Romeos—Sports (9½ m.)	Jan. 24
7601	Catnipped—Flippy (7½ m.) (reset)	Feb. 14
7856	Screen Snapshots No. 6 (9½ m.)	Feb. 15
7656	Community Sings No. 6 (9 m.)	Feb. 21
7954	Three Sets of Twins—Film Vodvil (10 m.)	Feb. 28
7657	Community Sings No. 7 (10 m.)	Mar. 7
7806	Canine Champions—Sports (9½ m.)	Mar. 14
7857	Screen Snapshots No. 7 (9½ m.)	Mar. 15
7902	Strange Hunter—Panoramic	Mar. 21
7955	Art Mooney & Orch.—Film Vodvil (11 m.)	Apr. 4
7501	River Ribber—Col. Rhap. (6 m.)	Apr. 5
7752	Foxy Flatfoots—Fox & Crow (6 m.)	Apr. 11
7702	Kongo Roo—Phantasy (6 m.)	Apr. 18
7807	Timberland Athletes—Sports	Apr. 18
7502	Polar Playmates—Col. Rhapsody (6½ m.)	Apr. 25
7658	Community Sings No. 8	Apr. 25

Columbia—Two Reels

7433	High Blood Pressure—Schilling-Lane (19 m.)	Dec. 6
7434	A Hit with a Miss—S. Howard (16 min.)	Dec. 13
7140	Who's Guilty?—Serial (15 episodes)	Dec. 13
7435	Spook to Me—A. Clyde (17 min.)	Dec. 27
7403	Beer Barrel Polcats—Stooges (17 m.)	Jan. 10
7436	The Blonde Stayed On—Andy Clyde (16½ m.)	Jan. 24
7424	When the Wife's Away—Herbert (17 m.)	Feb. 1
7425	Hiss and Yell—Vera Vague (18 m.)	Feb. 14
7404	A Bird in the Head—Stooges (17 m.)	Feb. 28
7437	Mr. Noisy—S. Howard (16½ m.) (re.)	Mar. 22
7160	Hop Harrigan—Serial (15 chapters)	Mar. 28
7405	Uncivil War Birds—Stooges (17 m.) (re.)	Mar. 29
7438	Jiggers, My Wife—S. Howard (18 m.)	Apr. 11
7406	The Three Troubledoers—Stooges (17 m.)	Apr. 25

Metro-Goldwyn-Mayer—One Reel

T-712	Merida and Campeche—Traveltalk (8 m.)	Nov. 24
S-753	Bus Pests—Pete Smith (9 min.)	Dec. 1
S-756	Badminton—Pete Smith (10 min.)	Dec. 8
K-774	The Golden Hunch—Pas. Par. (10 min.)	Dec. 15
W-733	Quiet Please—Cartoon (8 m.)	Dec. 22
S-754	Sports Sticklers—Pete Smith (10 min.)	Jan. 5
K-775	Magic on a Stick—Pas. Par. (9 min.)	Jan. 19
S-757	Fala at Hyde Park—Pete Smith (10 m.)	Jan. 19
T-713	Land of the Mayas—Traveltalk (9 m.)	Jan. 26
S-755	Gettin' Glamour—Pete Smith (7 min.)	Feb. 2
T-714	Glimpses of Guatemala—Traveltalk (8 m.)	Feb. 9
W-734	Lonesome Lenny—Cartoon (8 m.)	Mar. 9
T-715	Visiting Vera Cruz—Traveltalk (10 m.)	Mar. 16
W-735	Springtime for Thomas—Cartoon (8 m.)	Mar. 30

Metro-Goldwyn-Mayer—Two Reels

A-701	A Gun in His Hand—Special (19 m.)	Sept. 15
A-702	Purity Squad—Special (20 m.)	Nov. 3

Paramount—One Reel

R5-2	Paddle Your Own—Sportlight (9 m.) (re.)	Oct. 19
U5-2	My Man Jasper—Puppetoon (7 m.) (re.)	Oct. 19
L5-1	Unusual Occupations No. 1 (10 m.) (re.)	Oct. 26
Y5-1	Animal-ology—Speak. of Animals (9 m.) (re.)	Nov. 2
J5-2	Popular Science No. 2 (10 m.) (re.)	Nov. 23
R5-3	Running the Team—Sportlight (9 m.) (re.)	Nov. 30
L5-2	Unusual Occupations No. 2 (11 m.) (re.)	Dec. 21
R5-4	Good Dog—Sportlight (9 m.) (re.)	Dec. 21
Y5-2	Hill Billies—Speak. of Animals (9 m.) (re.)	Dec. 28
J5-3	Popular Science No. 3 (10 m.)	Feb. 8

Y5-3	In the Post War Era—Speak. of Animals (9 m.)	Feb. 8
R5-5	Dixie Pointers—Sportlight (10 m.) (re.)	Feb. 8
L5-3	Unusual Occupations No. 3 (10 m.) (re.)	Feb. 22
R5-6	Rhythm on Blades—Sportlight (9 m.)	Mar. 1
E5-1	House Tricks—Popeye (6 m.) (re.)	Mar. 15
D5-1	Man's Pest Friend—Little Lulu (7 m.) (re.)	Mar. 22
E5-2	Peep in the Deep—Popeye (re.)	Mar. 22
R5-7	Testing the Experts—Sportlight	Mar. 22
P5-1	The Friendly Ghost—Noveltoon (7 m.) (re.)	Apr. 5
E5-3	Service with a Guile—Popeye (7 m.) (re.)	Apr. 19
J5-4	Popular Science No. 4 (10 m.)	Apr. 19
U5-3	Olio for Jasper—Puppetoon (7 m.) (re.)	Apr. 19
L5-4	Unusual Occupations No. 4	Apr. 26
D5-2	Bargain Counter Attack—Little Lulu (re.)	May 3
P5-2	Cheese Burglar—Noveltoon (7 m.) (re.)	May 17
E5-4	Klondike Casanova—Popeye (8 m.) (re.)	May 31

Paramount—Two Reels

FF5-1	Little Witch—Musical Parade (17 m.) (re.)	Dec. 28
FF5-2	Naughty Nannette—Musical Parade (20 m.) (re.)	Mar. 15
FF5-3	College Queen—Musical Parade (19 m.) (re.)	May 17

Republic—Two Reels

581	The Phantom Rider—Serial (12 ep.)	Jan. 26
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RKO—One Reel

64303	Ten Pin Titans—Sportscope (8 m.)	Nov. 2
671	The House I Live In—Sinatra (10 min.)	Nov. 9
64203	Flicker Flashbacks No. 3 (7 m.)	Nov. 23
64304	Arcaro Up—Sportscope (8 m.)	Nov. 30
64101	Canine Patrol—Disney (7 m.)	Dec. 7
64102	Old Sequoia—Disney (7 m.)	Dec. 21
63405	Ski Master—Sportscope (8 m.)	Dec. 28
64204	Flicker Flashbacks No. 4 (8 m.)	Dec. 28
64306	Winning Basketball—Sportscope (8 m.)	Jan. 25
64205	Flicker Flashbacks No. 5 (7 m.)	Feb. 1
64707	Quarter Horses—Sportscope (8 m.)	Feb. 22
64103	A Knight for a Day—Disney (7 m.)	Mar. 8
64206	Flicker Flashbacks No. 6 (7 m.)	Mar. 8

RKO—Two Reels

63101	Airline to Everywhere—This is America (17 m.)	Nov. 16
63202	Russian Dressing—Headliner Revival (18 m.)	Nov. 23
63503	Ranch House Romeo—Western Musical (reissue) (17 m.)	Nov. 30
63402	Mother-in-Law's Day—Ed. Kennedy (18 m.)	Dec. 7
63102	TVA—This is America (18 m.)	Dec. 14
63103	Great Lakes—This is Amer. (16 m.)	Jan. 11
63504	Rhythm Wranglers—Western Musical (reissue) (19 m.)	Jan. 18
63203	Twenty Girls and a Band—Head. Rev. (18 m.)	Jan. 18
63403	Trouble or Nothing—Ed. Kennedy (18 m.)	Jan. 25
63702	Maid Trouble—Leon Errol (18 m.)	Feb. 2
63104	Report on Japan—This is Amer. (19 m.)	Feb. 8
63703	Oh, Professor Behave—Leon Errol (18 m.)	Mar. 1
63105	Street of Shadows—This is Amer. (18 m.)	Mar. 8
63204	Sea Melody—Head. Rev. (19 m.)	Mar. 15

Twentieth Century-Fox—One Reel

6506	Mighty Mouse Meets Bad Bill Bunion— Terrytoon (7 m.)	Nov. 9
6352	Time Out for Play—Sports (8 m.)	Nov. 16
6507	The Exterminator-Gandy Goose—Terrytoon (7 m.)	Nov. 23
6255	Song of Sunshine—Adventure (9 m.)	Dec. 7
6508	Mighty Mouse in Krakatoo—Terrytoon (7 m.)	Dec. 14
6256	Louisiana Springtime—Adventure (8 m.)	Dec. 21
6509	The Talking Magpies—Terrytoon (7 m.)	Jan. 4
6257	The Lost Lake—Adventure (8 m.)	Jan. 11
6510	Svengali's Cat-Mighty Mouse—Terrytoon (7 m.)	Jan. 18
6401	The World Today—Special (9 m.)	Jan. 25
6301	Pins and Cushions—Sports (9 min.)	Feb. 1
6511	Gandy Goose in Fortune Hunters—Terry. (7 m.)	Feb. 8
6258	Along the Rainbow Trail—Adventure (8 m.)	Feb. 15
6512	Mighty Mouse in The Wicked Wolf—Terry. Mar. 8	Mar. 8
6353	Diving Dandies—Sports	Mar. 15
6513	Mighty Mouse in My Old Kentucky Home— Terrytoon	Mar. 29
6201	Show Girls—Vyvyan Donner	Apr. 5
6514	Gandy Goose in It's All in the Stars—Terry.	Apr. 12
6259	Cradle of Liberty—Adventure	Apr. 26

Twentieth Century-Fox—Two Reels

Vol. 12 No. 3—18 Million Orphans— March of Time (17 m.)	Nov. 2
Vol. 12 No. 4—Justice Comes to Germany— March of Time (20 m.)	Nov. 30
Vol. 12 No. 5—Challenge to Hollywood— March of Time (18 m.)	Dec. 28
Vol. 12 No. 6—Life with Baby— March of Time (21 m.)	Jan. 25
Vol. 12 No. 7—Report on Greece— March of Time (19 m.)	Feb. 26
Vol. 12 No. 8—Night Club Boom— March of Time (21 m.)	Mar. 22

United Artists—One Reel

The Flying Jeep—Daffy Dittys (7½ m.)	Aug. 20
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Universal—One Reel

1345 Jungle Capers—Var. Views (9 m.)	Dec. 10
1321 The Loose Nut—Cartune (7 m.)	Dec. 17
1381 Sing and be Happy—Musical (10 m.)	Feb. 18
1322 Poet and Peasant—Cartune (7 m.)	Mar. 18
1366 Maestro of the Comics—Per. Odd. (9 m.)	Mar. 18
1346 Script Tease—Variety Views (9 m.)	Mar. 25
1347 Dog Tale—Variety Views (9 m.)	Mar. 25
1367 Wings of Courage—Per. Odd. (9 m.)	Mar. 25
1348 Chimp on the Loose—Var. Views (9 m.)	Apr. 1
1323 Mousie Come Home—Cartune (7 m.)	Apr. 15
1368 Cartune Crusader—Per. Odd. (9 m.)	Apr. 1
1324 Apple Andy—Cartune (7 m.)	May 20
1382 Merrily We Sing—Musical (10 m.)	May 27

Universal—Two Reels

1303 Synco-Smooth Swing—Ted Fio Rita —Musical (15 m.)	Dec. 19
1304 Cuban Madness—Carlos Molina—Musical (15 m.)	Jan. 2
1305 Tin Pan Alley Tempos—Phil Ohman—Musical (15 m.)	Jan. 9
1306 Melody Stampede—Spade Cooley—Musical (15 m.)	Jan. 16
1781-1793 The Scarlet Horseman—Serial (13 ep.)	Jan. 22
1307 Swing High Swing Sweet—Jan Savitt—Musical (15 m.)	Feb. 20
1881-1893 Lost City of the Jungle—Serial (13 ep.)	Apr. 23
1308 Takin' the Breaks—Russ Morgan—Musical (15 m.)	May 22
1309 Banquet of Melody—Matty Malnick—Musical (15 m.)	May 29

Vitaphone—One Reel

1726 Baseball Bugs—Bugs Bunny (7 m.)	Feb. 2
1714 Holiday for Shoestring—Looney Tune (7 m.)	Feb. 23
1715 Quentin Quail—Looney Tune (7 m.)	Mar. 2
1716 Baby Bottleneck—Looney Tune (7 m.)	Mar. 16
1717 Hare Remover—Looney Tune (7 m.)	Mar. 23
1718 Daffy Doodles—Looney Tune (7 m.)	Apr. 6
1719 Hollywood Canine Canteen—Looney Tune (7 m.)	Apr. 20
1720 Hush My Mouse—Looney Tune (7 m.)	May 4

(End of 1944-45 Season)

Beginning of 1945-46 Season

2601 Spade Cooley—Mel. Mas. (10 m.)	Sept. 1
2402 Miracle Makers—Varieties (10 m.)	Sept. 1
2401 Alice in Jungland—Varieties (10 m.)	Sept. 22
2602 Here Come the Navy Bands—Mel. Mas. (10 m.)	Sept. 29
2603 Musical Novelties—Mel. Mas. (10 m.)	Oct. 6
2403 Story of a Dog—Varieties (10 m.)	Oct. 27
2501 Sports Go to War—Sports (10 m.)	Nov. 10
2301 Sunbonnet Blue—Hit Parade (7 m.)	Nov. 17
2801 Fashions for Tomorrow—Adventure (10 m.)	Nov. 17
2404 So You Think You're Allergic—Varieties (10 m.)	Dec. 1
2604 Music of the Americas—Mel. Mas. (10 m.)	Dec. 15
2302 Lyin' Mouse—Hit Parade (7 m.)	Dec. 22
2303 Good Egg—Hit Parade (7 m.)	Jan. 5
2802 In Old Sante Fe—Adventure (10 m.)	Jan. 12
2405 Peeks at Hollywood—Varieties (10 m.)	Jan. 26

2605 Headline Bands—Mel. Mas. (10 m.)	Jan. 26
2502 Holiday on Horseback—Sports (10 m.)	Feb. 2
2304 Trial of Mr. Wolf—Hit Parade (7 m.)	Feb. 9
2503 Michigan Ski-Daddle—Sports (10 m.)	Feb. 9
2606 Jan Savitt & Band—Mel. Mas. (10 m.)	Mar. 16
2504 With Rod & Gun in Canada—Sports (10 m.)	Mar. 16
2305 Little Lion Hunter—Cartoon (7 m.)	Mar. 23
2505 Snow Eagles—Sports (10 m.)	Mar. 30
2803 All Aboard—Adventure (10 m.)	Mar. 30
2506 Let's Go Gunning—Sports (10 m.)	Apr. 6
2306 Fresh Fish—Cartoon (7 m.)	Apr. 6
2607 Rhythm on Ice—Mel. Master (10 m.)	Apr. 20
2307 Daffy Duck & Egghead—Cartoon (7 m.)	Apr. 20
2507 Fin'n Feathers—Sports (10 m.)	Apr. 27
2406 Smart As a Fox—Varieties (10 m.)	Apr. 27
2308 Katnip College—Cartoon (7 m.)	May 4
2608 Dixieland Jamboree—Mel. Master (10 m.)	May 11
2804 Facing Your Danger—Adventure (10 m.)	May 11
2508 Undersea Spear Fishing—Sports (10 m.)	May 18
2309 Night Watchman—Cartoon (7 m.)	May 18
2721 Hair Raising Har—Cartoon (7 m.)	May 25
2605 Girls & Flowers—Adventure (10 m.)	May 25

Vitaphone—Two Reels

2103 All Star Musical Revue—Feat. (14 m.)	Nov. 3
2104 Good Old Corn—Featurette (20 m.)	Nov. 24
2001 Frontier Days—Special (20 m.)	Dec. 28
2106 Hitler Lives?—Featurette (20 m.)	Dec. 29
2002 Forest Commandos—Special (20 m.)	Jan. 19
2105 Musical Shipmates—Featurette (20 m.)	Feb. 16
2003 Movieland Magic—Special (20 m.)	Mar. 9
2004 Gem of the Ocean—Special (20 m.)	Apr. 13

**NEWSWEEKLY
NEW YORK
RELEASE DATES**

Pathe News

65165 Sat. (O)	Apr. 6
65266 Wed. (E)	Apr. 10
65167 Sat. (O)	Apr. 13
65268 Wed. (E)	Apr. 17
65169 Sat. (O)	Apr. 20
65270 Wed. (E)	Apr. 24
65171 Sat. (O)	Apr. 27
65272 Wed. (E)	May 1
65173 Sat. (O)	May 4
65274 Wed. (E)	May 8
65175 Sat. (O)	May 11
65276 Wed. (E)	May 15
65177 Sat. (O)	May 18

Paramount News

62 Thurs. (E)	Apr. 4
63 Sunday (O)	Apr. 7
64 Thurs. (E)	Apr. 11
65 Sunday (O)	Apr. 14
66 Thurs. (E)	Apr. 18
67 Sunday (O)	Apr. 21
68 Thurs. (E)	Apr. 25
69 Sunday (O)	Apr. 28
70 Thurs. (E)	May 2
71 Sunday (O)	May 5
72 Thurs. (E)	May 9
73 Sunday (O)	May 12
74 Thurs. (E)	May 16

Fox Movietone

62 Thurs. (E)	Apr. 4
63 Tues. (O)	Apr. 9
64 Thurs. (E)	Apr. 11
65 Tues. (O)	Apr. 16
66 Thurs. (E)	Apr. 18
67 Tues. (O)	Apr. 23
68 Thurs. (E)	Apr. 25
69 Tues. (O)	Apr. 30
70 Thurs. (E)	May 2
71 Tues. (O)	May 7
72 Thurs. (E)	May 9
73 Tues. (O)	May 14
74 Thurs. (E)	May 16

News of the Day

260 Thurs. (E)	Apr. 4
261 Tues. (O)	Apr. 9
262 Thurs. (E)	Apr. 11
263 Tues. (O)	Apr. 16
264 Thurs. (E)	Apr. 18
265 Tues. (O)	Apr. 23
266 Thurs. (E)	Apr. 25
267 Tues. (O)	Apr. 30
268 Thurs. (E)	May 2
269 Tues. (O)	May 7
270 Thurs. (E)	May 9
271 Tues. (O)	May 14
272 Thurs. (E)	May 16

Universal

490 Thurs. (E)	Apr. 4
491 Tues. (O)	Apr. 9
492 Thurs. (E)	Apr. 11
493 Tues. (O)	Apr. 16
494 Thurs. (E)	Apr. 18
495 Tues. (O)	Apr. 23
496 Thurs. (E)	Apr. 25
497 Tues. (O)	Apr. 30
498 Thurs. (E)	May 2
499 Tues. (O)	May 7
500 Thurs. (E)	May 9
501 Tues. (O)	May 14
502 Thurs. (E)	May 16

All American News

180 Friday	Apr. 5
181 Friday	Apr. 12
182 Friday	Apr. 19
183 Friday	Apr. 26
184 Friday	May 3
185 Friday	May 10
186 Friday	May 17

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No. 15

BEAUTIFUL THOUGHTS

As stated in last week's issue, the American Theatres Association's public relations program, as put forward by Mr. Fabian, is to include: Participation in public charity projects, which would include determination of industry leadership, methods, goals, motivation, publicity and general control; Government cooperation and the use of screens for Government subjects; use of theatres and facilities for public cooperation; public endorsement of industry opposition to public matters not selfishly related to the industry but of such character as to recommend the industry's interest and strength in their determination, such as full employment, public health, housing, and other public matters in which leaders of other industries have been heard but concerning which the industry has been silent; donations to charity by the industry; establishment of scholarships by the industry; awards to citizens for outstanding contributions to peace, science and the arts; institutional advertising; institutional radio programs; awards to writers for outstanding stories; and awards to producers for outstanding productions.

There is no question in my mind that the framers of this platform were inspired with great sincerity. Every word is pregnant with emotional appeal. No one could have made so beautiful suggestions unless these came from the heart.

But are these beautiful thoughts practical? If an exhibitor were to attempt to carry out all these suggestions, he would have to devote his time to community and national affairs to the exclusion of everything else. For instance, he would have no time to book his films, to pay his rent, to hand salary checks to his employees on Saturday nights, to think of exploitation ideas, and in fact he might even berate his wife if she were to remark that he is devoting too much time to community affairs, and very little either to his business or to her.

Mr. Fabian's suggestions are idealistic but impracticable. Perhaps he, having accumulated a sizeable fortune from his theatre chain, is no longer bothering his head about how the "other half" lives, and about the fact that most independent exhibitors have to struggle to make a living.

Let us now analyze some of his suggestions:

1. *Participation in public charity projects:* How could an exhibitor do that? In no other way than to lend his theatre for collection purposes. Since this is a matter that occupies the attention of the exhibitor fully at this time, let us discuss it after every other question has been disposed of.

2. *Government cooperation and the use of screens for Government subjects:* I presume that, by "Government cooperation," Mr. Fabian means "Industry cooperation with the Government," for I don't see how he could induce the United States Government to cooperate with any commercial enterprise. And the only cooperation that the industry can give to the Government is to lend its screens to it for the exhibition of shorts.

Since this subject is similar to subject No. 1, let us reserve discussion of it until the other subjects have been disposed of.

3. *Public endorsement of industry opposition to public matters not selfishly related to the industry but of such character as to recommend the industry's interest and strength in their determination, such as full employment, public health, housing, and other public matters in which leaders of other industries have been heard but concerning which the industry has been silent:* I fear that this proposal in Mr. Fabian's platform is rather confused; and since confusion in speaking results only from the confusion of the thoughts of the speaker, I take it for granted that Mr. Fabian was not quite clear in what he had in mind. At any rate, this proposal covers a great deal of ground. I presume he means that the program of the new organization will be to urge each exhibitor to fight those who are opposed to full employment, housing, public health or other matters in which the industry heretofore has remained silent. In other words, he wants the exhibitors to take over the function of the newspapers.

Why should that be so? Haven't the newspapers done, and aren't they doing, a good job? In the opinion of this paper, they have and still are. But if there should be a case here and there where a newspaper has not done its job well, the local exhibitor would be considered presumptuous to use the strength of this organization to tell the editor that he had better reform.

4. *Donations to charity by the industry:* Does Mr. Fabian mean that every member of the new organization will be told when and how much to contribute to the different charity funds?

5. *Establishment of scholarships by the industry:* How many scholarships will be conferred, and how much will each member be taxed for each one of them?

6. *Awards to citizens for outstanding contributions to peace, science and the arts:* It seems as if Mr. Fabian wants to establish another Nobel prize committee. But the Nobel prizes are awarded on the strength of a fund that was long ago put in the bank by Alfred Bernard Nobel for just such a purpose, and if the industry wants to establish a similar institution it has to come through with the "fund" first.

Perhaps Mr. Fabian, as the owner of a large circuit, and other circuit owners can contribute towards such a fund. But how much will each independent exhibitor be taxed for a purpose of this kind? Prizes cost a lot of money, and that money must come from the membership.

7. *Institutional advertising.* The time when institutional advertising could have been done effectively has passed. The industry missed the boat, as explained repeatedly in these columns, and those who are now offering to lead the independent exhibitors into the promised land are the very same men who were responsible for it. Besides, institutional advertising belongs to the production and the distribution branches of the industry. Many are the editorials that HARRISON'S REPORTS printed urging the producer-distributors to grasp the opportunity to do institutional advertising to gain the public's good will, but its recommendations were unheeded because each producer-distributor is concerned only with his own product and is unwilling to take any steps to strengthen the product of his competitor. Now, if the producer-distributor failed to resort to institutional

(Continued on last page)

"Night in Paradise" with Merle Oberon and Turhan Bey

(Universal, May 3; time, 84 min.)

This is one of those Arabian Nights fairy tales, photographed in Technicolor against a background of splendid sets and costumes. It is an amusing entertainment of its kind, somewhat different because of its occasional use of modern slang, and of the tongue-in-cheek mannerisms of the players. But on the whole it offers little that is unusual, and its appeal will be directed mainly to those who have not tired of the numerous similar phantasies that have been shown in the past two years. The story, which takes place in the year 580 B.C., is a curious mixture of romance, adventure and politics, in which Aesop, the wise man, is shown as a youth who disguises himself as an elderly, crippled man in order to save his country from a ruthless king, and at the same time win the love of a beautiful Queen. The closing scenes, in which Aesop rescues the Queen against tremendous odds, provide what little excitement the film offers:—

Croesus (Thomas Gomez), King of Lydia, threatens war on Samos, a small Greek island. To avoid a conflict, the people of Samos send Aesop (Turhan Bey) to Croesus' court as an ambassador. Aesop, disguised as an elderly man, because no one would accept wisdom from a youth, arrives at the palace just as Croesus welcomes Delarai (Merle Oberon), Queen of Persia, his betrothed. Upon learning that Aesop had come with a trade treaty instead of tribute, Croesus orders him killed. But Delarai, flattered by a fable that Aesop had hastily improvised in her honor, induces Croesus to spare his life. Meanwhile Croesus had incurred the wrath of Atossa (Gale Sondergaard), Queen of Phrygia, because of his demands of tribute, and through sorcery she haunts him. Aesop shows Croesus how to ward off Atossa's trickery, thus winning his confidence. Delarai and Leonida (Ray Collins), Croesus' chamberlain, become jealous of Aesop's rising power and plot to destroy him. They arrange to have him visit Delarai's private apartment in a scheme to discredit him. Aesop, sensing the plot, discards his disguise and reveals his youthfulness to Delarai. She falls madly in love with him and turns on the scheming chamberlain. Despite his great desire for Delarai, Aesop leaves her to marry Croesus while he goes to Delphi to see the oracle in an effort to prevent war on his people. Delarai jilts Croesus to follow him. Croesus' men catch up with them and hurl them off a steep cliff, but Atossa, bringing her sorcery into play, saves them from death. It ends with Aesop and Delarai raising a family on the island of Samos.

Ernest Pascal wrote the screen play, Walter Wanger produced it, and Arthur Lubin directed it. The cast includes Ernest Truex, Jerome Cowan, John Litel, Douglas Dumbrille and others.

Unobjectionable morally.

"Behind the Mask" with Kane Richmond and Barbara Reed

(Monogram, no release date set; time, 67 min.)

Poor program fare. Like "The Shadow Returns," its predecessor, this second in Monogram's series of murder-mystery melodramas has little to recommend it, for the story is extremely silly. The players are handicapped by the trite material and, despite their efforts, there is not much they can do. Even though the murderer's identity is not divulged until the end, it fails to hold the spectator's attention, not only because one guesses his identity easily, but also because the proceedings are so ridiculous that one takes no interest in what happens. At times the characters go completely haywire in a futile attempt to be comical:—

When a newspaper columnist, who had been blackmailing a number of racketeers, is murdered in his office by a man wearing the "Shadow's" costume, Kane Richmond, the police commissioner's nephew and secretly "The Shadow," is compelled to delay his marriage to Barbara Reed in order to find the killer and to clear the "Shadow" of guilt. While

searching for the murderer, Richmond is constantly interfered with by Barbara, who suspected him of being romantically inclined every time he came in contact with another woman. She even disguises herself in a "Shadow" costume in an effort to solve the mystery, but is almost killed in a fight with the masquerading killer as well as with the real "Shadow." During the course of his investigation Richmond is hampered also by police inspector Joseph Crehan, who looked upon him as a meddling amateur detective, but he manages to uncover clues that lead him to the racketeers who had been blackmailed by the dead columnist. All are brought to the scene of the crime where Richmond, in a clever move, obtains conclusive evidence that Robert Shayne, the dead man's publisher, had committed the murder, but he exposes the killer in a way that leads Crehan to believe that he had solved the crime. "The Shadow's" reputation cleared, Richmond goes ahead with his plans to marry Barbara.

George Callahan wrote the screen play, Joe Kaufman and Lou Brock produced it, and Phil Karlson directed it. The cast includes Pierre Watkin, Dorothea Kent, George Chandler, Edward Cargan and others.

Unobjectionable morally.

"Joe Palooka, Champ" with Leon Errol, Elyse Knox and Joe Kirkwood, Jr.

(Monogram, no release date set; time, 70 min.)

Good program fare. Based on the popular comic strip of the same name, the picture is a highly entertaining mixture of prizefighting, human interest, comedy and some romance, depicting the rise of a modest gas station attendant to the world's heavyweight boxing championship. The story itself presents nothing new, but its treatment is so good and the performances so engaging that one's attention is held from start to finish. It is ideal fare for children, because "Palooka," played to perfection by Joe Kirkwood, Jr., is shown as an unboastful but courageous, wholesome fellow, whose honesty and clean sportsmanship should prove inspiring to them. Leon Errol, as "Knobby Walsh," his manager, is just right in a semi-serious role, winning one's sympathy by his affectionate regard for "Palooka." The action includes fleeting glimpses of such well known fighters as Joe Louis, Henry Armstrong, and Ceferino Garcia. According to reports, Monogram intends to produce a "Joe Palooka" series. If the future pictures will maintain the quality of this one, the series should become highly popular:—

Fight manager Leon Errol guides Lou Nova to the world's heavyweight championship only to lose him to Eduardo Cianelli, a ruthless gangster. Broke, and unsuccessful in his efforts to find a challenger, Errol takes four broken-down fighters on a boxing tour of small towns. During the tour he meets Kirkwood, a natural fighter, and with the aid of Elyse Knox, a society girl passing through town, induces him to enter the fight game. Kirkwood, under Errol's careful and kindly guidance, wins a series of sensational bouts and becomes leading contender for the heavyweight crown. Meanwhile he falls in love with Elyse. While training for the championship match with Nova, he has a misunderstanding with Elyse, which affects his training and causes Errol considerable concern. Cianelli, respecting Kirkwood's ability, sends two henchmen to him to bribe him into "throwing" the big fight. Kirkwood gives both men a beating. Aware that Cianelli would even resort to murder to win the fight, Errol takes Kirkwood to secret training quarters. On the night of the fight, Elisha Cook, Jr., one of Cianelli's henchmen, attempts to shoot Kirkwood while he is in the ring, but the scoundrel is captured along with his boss by an alert policeman. Kirkwood wins the championship and becomes reconciled with Elyse.

George Moskov and Albert de Pina wrote the screen play, Hal E. Chester and Mr. Moskov produced it, and Reginald Le Borg directed it. The cast includes Joe Sawyer, Sam McDaniel, Robert Kent, Sarah Padden, Phil Van Zandt, Warren Hymer and others.

"She-Wolf of London" with June Lockhart and Sara Haden

(Universal, May 17; time, 61 min.)

An ordinary psychological program murder melodrama. It is boring and long-drawn out, and it is given more to talk than to action. The plot, which has been done many times, is obvious, for the spectator is never really in doubt as to the murderer's identity. One feels some sympathy for the heroine, who is convinced by the killer that she is a "werewolf," but it is not enough to hold one's interest. Unlike the title indicates, there is nothing about either the action or the characters that is horrifying or terrifying:—

On the eve of her marriage to Don Porter, June Lockhart is terror-stricken by the news that a child had been murdered in a park nearby her London home; she believed that she had inherited an ancient family "werewolf" curse, and feared that she might have committed the crime. Alarmed by her belief, June breaks her engagement to Don. She becomes ill, and Sara Haden, her aunt, who was covetous of her fortune, tends to her needs and makes a point of keeping Don from her. Each time another ghastly murder is committed June awakens amidst evidence that convinces her of her guilt. Distressed, she confesses the "killings" to Jan Wiley, her cousin, who in turn informs Porter. The young man, skeptical, starts an investigation of his own. Meanwhile Scotland Yard had posted men throughout the park to catch the murderer. Aware that the police would soon catch up with her, Sara, who had been drugging June and, after committing the crimes, had placed evidence of guilt by the young girl's bedside, decides to murder her and to make her death appear suicidal. She confesses the crimes to June and makes known her murderous intention. Her threat is overheard by a maid, who rushes to call the police. Sara, hastening after the maid, comes to a violent end in a fall down a staircase. Her fears dispelled, June rejoins Don.

George Bricker wrote the screen play, Ben Pivar produced it, and Jean Yarbrough directed it. The cast includes Lloyd Corrigan, Dennis Hoey, Eily Malyon, Martin Kosleck and others.

"The Cat Creeps" with Fred Brady, Noah Beery, Jr. and Lois Collier

(Universal, May 17; time, 58 min.)

A moderately entertaining program murder-mystery melodrama. The story, which goes in for wholesale murders, is interesting only mildly, for there is nothing novel in the plot nor in its treatment. Even the performances are only fair, but this is probably due to the fact that the players were unable to cope with the material at hand. The action takes place in a lonely house on an isolated island, and it unfolds in a routine manner, with suspicion directed at several of the characters to mystify the spectator. The manner in which the murders are solved is contrived and absurd. The stupidity of a newspaper photographer is used as the comedy relief, but it is not particularly comical:—

When the "Daily Chronicle" learns from Vera Lewis that a fifteen-year-old suicide was in fact a murder involving a huge sum of money, Fred Brady, a star reporter, and Noah Beery, Jr., his photographer, are assigned to the case. Brady proceeds with the investigation reluctantly, because Jonathan Hale, who was suspected of the crime, and at whose island retreat the tragedy had occurred, was the father of Lois Collier, his fiancée. Years previously, the courts had refused to indict Hale, but Brady's editor now sought to reopen the case to ruin Hale's political career. Hale communicates with Douglas Dumbrille, his attorney, and together with Paul Kelly, a private detective, and Rose Hobart, Dumbrille's secretary, they leave for the island. Brady and Beery accompany them. Shortly after their arrival, Miss Lewis, caretaker of the premises, is strangled to death. While Brady questions those present, all are astounded by the sudden appearance of Iris Clive, a mystery

woman, who, holding Miss Lewis' pet cat, announces that the soul of the dead woman had entered the body of the animal and that it would develop an intense hatred for the murderer. Subsequent events result in the murders of Miss Hobart and Kelly, after each attempts to locate the missing money. Brady eventually traps Dumbrille as the killer, proving that he had murdered the others because they knew of his crime years previously, and had been blackmailing him. Brady also locates the missing fortune and reveals that Iris' presence, and the story about the cat, were part of his plan to catch Dumbrille.

Edward Dein and Jerry Warner wrote the screen play, Will Cowan produced it, and Erle C. Kenton directed it. Unobjectionable morally.

"Easy to Wed" with Van Johnson, Esther Williams, Lucille Ball and Keenan Wynn

(MGM, no release date set; time, 109 min.)

Highly entertaining! Luxuriously produced and photographed in Technicolor, it should go over very well with all types of audiences, for it is romantic and "peppy," has tuneful music, and is packed with comical situations and clever dialogue. The gags are at times so hilarious that one misses some of the dialogue. The story, which is a remake of MGM's "Libeled Lady," produced in 1936, holds the spectator in suspense throughout because of its amusing complications, and it is acted with zest by the competent cast. Van Johnson and Esther Williams make a good romantic team, and both do well in the song and dance sequences. Miss Williams shows definite improvement as an actress, and Johnson proves that he can handle comedy in expert fashion. One uproarious sequence has to do with his troubles while duck-hunting; his efforts to cover up the fact that he knew nothing about the sport should draw howls of laughter. Keenan Wynn and Ben Blue add much to the fun, but it is Lucille Ball who practically steals the picture with her comedy antics; she has never been better. A song by Carlos Ramirez and organ playing by Ethel Smith are other highlights:—

Keenan Wynn, business manager of an important newspaper, is dragged away from his wedding to Lucille Ball to handle a \$2,000,000 libel suit brought against the paper by Esther Williams, daughter of wealthy Cecil Kellaway, because of an untrue scandalous item that had been printed about her. To get out of the jam, Wynn approaches Van Johnson, a former reporter, whom he had discharged, and agrees to pay him a fabulous fee to frame Esther into a situation that would compel her to drop the suit. Wynn's plan involved Johnson's marriage to Lucille in name only, followed by his winning Esther's love, after which time Lucille would confront them as the wronged wife and threaten court action. Following the ceremony, Johnson goes to Mexico where Esther and her father were vacationing. He cleverly works his way into Kellaway's good graces, and though Esther snubs him at first she soon takes an interest in him. Everything goes according to plan until Johnson finds himself in love with Esther. To keep her from learning the truth, he decides to make love to Lucille to delay her revelation as his wife. As a result, Lucille, too, falls in love with him, complicating matters still further. A climax is reached when Esther, tipped off that Johnson was married, proposes to him to learn the truth. He accepts and marries her that night. Lucille and Wynn, double-crossed, catch up with the newlyweds and accuse Johnson of bigamy. But Johnson proves that his marriage to Lucille was illegal because her Mexican divorce from a previous husband had been ruled invalid. It all ends on a happy note when Esther agrees to drop the libel suit, and when Lucille decides that it was Wynn she really loved.

Dorothy Kingsley wrote the screen play, Jack Cummings produced it, and Edward Buzzell directed it. The cast includes Grant Withers, Paul Harvey and others.

Unobjectionable morally.

advertising up to this time, what chance has the new organization to induce them to change their thoughts?

8. *Institutional radio programs*: What was said in the preceding analysis applies also to this subject. Advertising by radio belongs to the producer-distributors and not to the exhibitors.

9. *Awards to writers for outstanding stories*: My Lord, Mr. Fabian, not content with offering to take over the functions of the Nobel committee, wants to take over the functions also of the Academy of Motion Picture Arts and Sciences. Instead of attempting to invade the grounds of Hollywood, Mr. Fabian and all those who are inspired with similar thoughts should use their influence to stop national magazines from plagiarizing on Hollywood by offering the same kind of awards as the Academy offers. These awards should be left to the Hollywood institution, which established them. They mean something when they come from that body, and very little when they come from bodies not connected with the production of pictures.

10. *Awards to producers for outstanding productions*: Here, again, the Fabian's organization is attempting to "horn in" on functions that belong properly to the Academy. Besides, there is only one kind of prize that a producer values more than anything else for a meritorious picture of his—swelled returns.

Let us now discuss the most important industry question—the use of the screen for charitable purposes as well as for showing subjects produced by the United States Government.

During the war, it was necessary that the exhibitors sacrifice personal interests for the common good. We were battling for our very existence, and no sacrifice was too great to help our Government win the war.

But now that the danger is over, what are the short subjects that the U. S. Government would want you to show on your screens? Would you run a short that shows the effect on industry from a coal strike, a steel strike, a telephone strike, or the strike of any other industry? If you did run such a short, the days of your theatre would probably be numbered.

Suppose the U. S. Health Bureau produced a subject on a certain disease. Some of you will naturally think that the theatre is not an educational institution, but a place that offers to people relaxation. After all, offering relaxation to the body is just as beneficial as is the showing on your screen of a short that teaches people that the disease in question is curable in its incipient stages. But the showing of a regular picture benefits everybody, whereas, the showing of a short dealing with certain disease benefits only a small number and may bring revulsion to many.

But suppose you, individually, feel that a short on disease should be shown on your screen. Do you require membership in an exhibitor organization to tell you that? And could such an organization induce you to show it if you felt that it would do your business harm?

What else is there that your Government may request you to show that necessitates the establishment of a new exhibitor body?

Let us now discuss the taking up of collections in your theatre for charitable purposes, a move that has been endorsed by the new exhibitor body, for only once a year.

Why should there be any collections at all? Charitable bodies are now so well organized that there is no home that is left unsolicited. You make to each one of them the contribution that you feel you can afford to make. When you go to a theatre and a contribution basket is shoved before your eyes, you cannot shout to the holder of the basket that you have already made your contribution. You feel embarrassed, of course, and you stick your hand into your

pocket and bring out either a coin or a note, the amount depending on your social position, as well as who is sitting next to you, or who is the basket holder. And if you happen to be one of those who go to pictures three or four times a week, you are embarrassed just so many more times. The consequence is that you stay away from picture theatres and eventually lose the habit of attending any of them, or else you are attracted to some other form of amusement.

There should be no collections whatever in picture theatres. Public sentiment is against such collections. You can easily prove my theory by conducting a poll.

I fear that Mr. Fabian and those who have endorsed the new affiliated-independent exhibitor body are impracticable idealists, despite the success they have made in business.

Because of the obligations that a membership involves, they will not get many independent exhibitors to join them. Their efforts to get them will result in just that much more confusion in the industry.

"Devil Bat's Daughter" with Rosemary La Planche and John James (PRC, April 15; time, 67 min.)

Minor program fare. It is a murder melodrama with psychopathic overtones, revolving around a merciful psychiatrist who, to cover up his own crimes, leads a young woman patient to believe that she had inherited a murderous trait. It is a far-fetched tale, developed without new angles, and since the action is for the most part slow-moving, one's interest in the proceedings diminishes. The individual performances are passable, but the players are handicapped by the ordinary material and the stilted dialogue. It may get by with audiences that are not too particular about plot construction or production values:—

Arriving from Scotland to visit her father, Rosemary La Planche suffers a mental shock when she discovers that he had died, killed by one of the bats he had been experimenting with. She is placed under the care of Michael Hale, a psychiatrist, who sends her to a sanitarium. Frightened by a nightmare, in which she appears to assume the identity of a murderous vampire bat, Rosemary rushes out of the sanitarium and makes her way to the home of Hale. There, Molly Lamont, his kindly wife, convinces the psychiatrist that the girl should remain with them until she recovered. Romance comes into Rosemary's life when John James, Miss Lamont's son by a former marriage, returns from the wars, but she shows no signs of improvement, despite Hale's treatments. The psychiatrist constantly forced sleeping pills on her in order to insure her getting much needed rest. One morning James' pet dog is found dead from a throat wound and a bloody scissors is found in Rosemary's room. And on the following morning, when Miss Lamont is found dead under similar circumstances, Rosemary is arrested for her murder. James, refusing to believe her guilty, starts an investigation of his own. Following different clues, James is led to his stepfather's New York apartment, where he uncovers evidence that he had been having an affair with Monica Mars, a former fiancée, and that he planned to leave the country with her. He discovers also that Hale had stolen valuable papers having to do with the experiments of Rosemary's father. Piecing together his clues, James, accompanied by the police, confronts Hale and accuses him of murdering his mother and of using Rosemary as a scapegoat to cover up the crime. Trapped, Hale makes a break for freedom, but he is shot down by the police.

Griffin Jay wrote the screen play, and Frank Wisbar produced and directed it. Carl Pierson was associate producer.

Unobjectionable morally.

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No. 16

A LETTER TO "CHICK" LEWIS

Dear "Chick":

After reading your editorial criticism of my attitude towards the new exhibitor association, I felt that there was nothing in what you said that required a serious confutation, for I recognize the right of an editor to criticize the views of another editor. But there are a few minor statements in your criticism that I believe ought to be replied to, and I felt that the present method of reply is much better suited to the subject.

You found fault with my suggestion to the independent exhibitors to assume an attitude of watchful waiting before they become excited by the advent of the new association, and chided me for the fact that I undertook to make my observations even though I did not attend the St. Louis meeting.

"Chick," in view of the fact that I was not reporting the doings of the ATA in St. Louis as news but only made observations on its founding and its aims, it was not necessary that I be present. Had I been there, I might have allowed my heart to overrule my judgment, as you seemingly have done. You see, "Chick," when you undertake to analyze the motives and aspirations of the leaders of the new movement, you should employ philosophy—the philosophy of life, and, in so doing, you should base your deductions on logic. But when you undertake to analyze them while you are under an emotional intoxication, such as overwhelmed you by being there, then you allow your heart to rule, and not your head. For this reason, it is best that I was not there. This enabled me to make an objective appraisal.

"Chick," you say that I should have been there to have judged for myself the sincerity of the proponents of this movement. I assure you that I haven't the least doubt as to their sincerity even though I wasn't there; I only question whether they themselves know that, what they are proposing, cannot happen, because it is illogical. I have learned from life that people think and act in accordance with the way they are making their living. I am sure that you are acquainted with this axiom. Since most of these proponents are either directly or indirectly affiliated with the producers and distributors, how do you expect them to act in a way contrary to this axiom?

Oh, yes! these proponents, in order to assure the independent exhibitors that this new association is not a threat to the interests of their class but a safeguard to the interest of the industry as a whole, state that the majority on the board will consist of independent exhibitors. But whom do they consider independent exhibitors? Is Si Fabian an independent exhibitor? Is J. Myer Schine an independent? Is L. C. Griffith? Are any of the following: Harry Brandt, Sam Rinzler, Walter Reade, Fred Schwartz, Harry Nace, Max A. Cohen, Walter Vincent, to mention a few who will undoubtedly be on the board?

Suppose you say to me, "Chick": "Wait—don't be hasty; for the new board will not be chosen until the next meeting. How do you know that the independent members of the board will not be truly independent?" My answer to you is that I don't think they will be! If you should ask me for the reason, then I shall be compelled to remind you of a bit of recent industry history. Do you remember the time, in 1944, when the board of directors of MPTOA and Ed Kuykendall, its president, went to Washington and called on Tom C. Clark, at that time Assistant Attorney

General in charge of the anti-trust division, and recommended that the Department of Justice scrap the Consent Decree and proceed with the prosecution of the New York anti-trust suit against the major companies, and, at the same time, prohibit the affiliated circuits from expanding their theatre holdings? They made other recommendations, too—(if you want to refresh your memory read the April 15 issue of HARRISON'S REPORTS). Poor Ed was maneuvered into that position by the independent members of the MPTOA board. What happened afterwards? Joseph Bernhardt, then head of the Warner Bros. theatre circuit, resigned as a director of MPTOA on the ground that the board's action was taken while HE was not in attendance; and with his resignation out went the Warner Bros. dues. The fact that the action had been taken at a regular meeting of the board and by an overwhelming majority of its members did not make any difference to Mr. Bernhardt.

At present, the ATA's platform is supposed to prohibit the consideration of intra-industry matters. But suppose, if the majority of the board consists of truly independent exhibitors, a member proposed that the rules and by-laws of the organization be amended to include the taking up of intra-industry matters, such as, for instance, clearance, the right to buy, and even as delicate a question as separation of theatres from production-distribution, and the motion was seconded and carried, what will happen? Well, I dare not express an opinion on that, leaving it to you to say.

"Chick," you say: "None can deny the faithfulness of Pete Harrison to the Allied cause. Come hell and high water, Pete gives them all he has and then some." Your statement is true one hundred per cent except that there is in it a slight implication that I support Allied blindly. You are wrong, "Chick," There was a time when I fought Allied, because I felt that the policy it pursued was not in the interests of the independent exhibitors. It was on the NRA matter. They wanted me to advise the exhibitors not to sign the Code. I could not see eye-to-eye with this suggestion on the ground that it would do harm to the independents' interests, for the Code prescribed that, unless an exhibitor signed it, he would have no right to submit a complaint against a producer-distributor later on. And I did not want to undertake such a responsibility.

I went into that fight expecting great harm to my personal interest by loss of subscriptions, but regardless of what I stood to lose I was determined to continue the battle, for it was a fight for a principle. (But what was my surprise? Instead of being harmed, my subscription list increased by more than five hundred, despite the cancellations resulting from my stand. I know you believe me when I say this, but if you have any doubt you may ask my accountant to certify as to the accuracy of my statement.)

If I support Allied, "Chick," I do so because, despite its shortcomings, it is the only exhibitor organization that is truly independent. No other organization compares with it in battling for the interests of the independent exhibitors.

There are many other observations that I could make to you, "Chick," observations that would concern themselves, not with the relatively unimportant fact that I did not attend the St. Louis meeting, but with the important reasons why membership in the ATA will probably burden, not aid, the smaller exhibitor, but lack of space compels me to close with the hope that I have enlightened you on some matters that you could not understand.

Cordially yours,

P. S. HARRISON

"Badman's Territory" with Randolph Scott and Ann Richards

(RKO, no release date set; time, 98 min.)

An entertaining "big-scale" western, based on the history of the Oklahoma Panhandle which, for forty years, was a haven for outlaws because it was outside the control of the Federal government. The horsemanship, gunplay, comedy, and romance blend well with the plot, making an interesting picture out of it. The running time, however, is much too long for what the story has to offer. There is exciting action throughout caused by the different encounters between Randolph Scott, as a Texas sheriff, and the outlaws he meets up with while visiting the territory. The spectator is kept in suspense because of the constant danger to him. Among the notorious outlaws depicted are the James brothers, the Daltons, and Belle Starr. The romantic interest is pleasant:—

After a clash with Captain Morgan Conway, of the Texas State Police, over the arrest of George "Gabby" Hayes, a member of the James brothers' gang, deputy sheriff James Warren is wounded by Conway. The James boys (Lawrence Tierney and Tom Tyler) rescue "Gabby" and take Warren with them to Quinto for medical treatment. Sheriff Randolph Scott, Warren's brother, quarrels with Conway over the incident and rides off after Warren, leaving the officer swearing vengeance. In Quinto, Scott meets Ann Richards, a fiery newspaper editor, who was crusading to have the region brought under Federal control to bring about law and order. She was opposed, not only by the outlaws, but also by the wealthy cattlemen of the region, who preferred their tax-free status. Scott wins her gratitude when he prevents her adversaries from closing down her paper. Despite his lack of official power, Scott wins the respect of the outlaws by his fearlessness and by his ability to shoot quickly. While waiting for Warren to recover, he helps Ann to circulate petitions to bring the area under Federal control. Meanwhile Warren regains his health and is lured by the Dalton brothers (Steve Brodie, Phil Warren and William Moss) to accompany them on a bank robbery in Coffeyville. Scott follows in a desperate attempt to keep Warren out of the affair, but is too late; Warren is killed in the shooting that follows the raid. He returns to Quinto to find that Conway, now a U. S. Marshall, had taken charge of the territory. Determined to have his revenge, Conway tries to force "Gabby" to swear that Scott had participated in the bank robbery. He kills the old man when he refuses. Scott, angered, shoots Conway dead in a running gun battle. Held for trial, he is acquitted by a sympathetic jury, leaving him free to marry Ann.

Jack Natteford and Luci Ward wrote the screen play, Nat Holt produced it, and Tim Whelan directed it. The cast includes Nestor Paiva, Isabell Jewell and many others.

Unobjectionable morally.

"Partners in Time" with Lum and Abner

(RKO, no release date set; time, 72 min.)

A typical Lum and Abner "cracker-barrel" entertainment; if their previous pictures have proved acceptable to your patrons, this one, too, should get by. The story is neither exciting nor novel, but it has a wholesome quality, plentiful human interest, and comedy that provokes quite a few chuckles. It is the type of picture that will be appreciated more by the family trade than by sophisticated audiences, because of its rustic humor, and of the fact that it relies for its entertainment on the antics of the small-town characters rather than on the story. It has very little action and plentiful talk:—

Lum (Chester Lauck) and Abner (Norris Goff) are informed by a city "slicker" that he was the rightful owner of the property on which their general store was situated, and that they would be evicted unless they paid him \$500.

Suspecting the man to be a crook, they begin a search through their old files for evidence to prove that the person from whom they bought the property forty years previously had been the legal owner. The old men are joined in their search by Teala Loring and John James, quarrelsome sweethearts, who were breaking their engagement because she preferred the big city and its gay life, while he wanted to marry and settle down in Pine Ridge. As they look for the evidence, Lum and Abner reminisce about the old days. In flashback, the story depicts Abner's arrival in town in a flashy automobile to visit Lum, then a young justice of the peace; his romance with Pamela Blake, whom Lum had hoped to marry only to find himself officiating at her marriage to Abner; and Abner's decision to settle down in Pine Ridge and to become Lum's partner in the general store. As they reach the end of their reminiscing, the old partners find documentary evidence proving that they were the rightful owners of the property and that the city "slicker" was a fraud. Meanwhile Teala, impressed by their recital of love and laughter in the Pine Ridge of forty years ago, decides to remain there and make a home for James.

Charles E. Roberts wrote the screen play, Ben Hersh produced it, and William Nigh directed it. The cast includes Dick Elliott, Grady Sutton and others.

Unobjectionable morally.

"Strange Conquest" with Jane Wyatt, Lowell Gilmore and Peter Cookson

(Universal, May 10; time, 63 min.)

A slow-moving, minor program melodrama, revolving around the efforts of two scientists to find a cure for a jungle fever. Not only is the story synthetic and incredible, but it is also cheerless because of the human suffering and of the Sumatra jungle background. There is no comedy to relieve the tension. The chief fault is that it is too theatrical and long-drawn out. The characters are fairly sympathetic since they are shown as being noble and courageous, but this is not enough to lift the picture out of its lethargic state. The romantic interest is unimportant but pleasant:—

Lowell Gilmore, a celebrated scientist seeking a cure for a fatal tropical disease, requests the services of an experienced bacteriologist to aid him. When Peter Cookson, an inexperienced young doctor, is sent to him, Gilmore makes no secret of his disappointment, causing a quarrel between them. Cookson decides to carry on his own research work, and he unknowingly succeeds in finding a remedy. Meanwhile Gilmore, too, had perfected a serum, and Cookson, elated, voluntarily inoculates himself with the disease to test Gilmore's cure. The serum fails and Cookson dies just as his own remedy is found out. Gilmore, overwhelmed, decides to complete Cookson's experiments and to publish a medical report under his name. To carry out his plan, he is compelled to assume Cookson's identity when Jane Wyatt comes to the jungle as his new assistant. He informs her that he (Gilmore) had died. Matters become complicated when Julie Bishop, Cookson's wife, comes to the jungle to visit her husband. Despite Gilmore's explanation, she accuses him of foul play and refuses to believe that Cookson had died making a test. Jane, to convince Julie of Gilmore's honorable motives, inoculates herself with the disease to prove the success of Cookson's serum. In the course of events, a fire destroys the laboratory as well as the serum, endangering Jane's life. Gilmore, working from Cookson's scientific notes, mixes a fresh serum and, with the aid of Julie, nurses Jane back to health. After seeing to it that Cookson received credit for the discovery, Jane and Gilmore decide to marry.

Roy Chanslor wrote the screen play, Marshall Grant produced it, and John Rawlins directed it. The cast includes Milburn Stone, Samuel S. Hinds and others.

Unobjectionable morally.

"The Falcon's Alibi" with Tom Conway

(RKO, no release date set; time, 62 min.)

This program murder melodrama should prove acceptable to the followers of the "Falcon" series. Following the same formula employed in the previous pictures, Tom Conway becomes enmeshed in a jewel robbery and murder, and, to overcome police suspicion against himself, is compelled to track down the killer and unravel the crime. Although the identity of the murderer is quite obvious, the spectator's attention is held because of the manner in which Conway works out the solution. It has a fair share of suspense and comedy, and a few exciting situations, but the story is somewhat confusing. The pace is brisk:—

Discovering that her employer's (Esther Howard) highly-insured pearls were only imitations, Rita Corday, a social secretary, fears that Emory Parnell, an insurance company detective, will accuse her of stealing the real ones. She enlists the aid of Conway, who promises to investigate. Conway becomes friendly with Miss Howard and meets some of her friends at a party, including Jason Robards; Elisha Cook, Jr., an announcer on an all-night radio broadcast; and Jane Greer, Cook's secret bride. During the party, a waiter is murdered mysteriously and the imitation pearls stolen. Conway, with the help of Vince Barnett, his aide, tricks Robards into revealing the hiding place of the real pearls. The police, investigating the murder, catch Conway with the pearls in his possession. He explains that Robards was the thief, but when Robards, too, is found murdered Conway is held for the crimes. Conway raises a reasonable doubt about his guilt and persuades the police to release him for twenty-four hours on his promise to clear up the mystery. Following up different clues, Conway discovers that Jane was Cook's secret bride, and that she planned to run away with another man. He learns also that Cook had committed the crimes to buy Jane expensive jewels. He visits Cook's studio and discovers that the announcer, by means of prepared recordings of his voice, had been enabled to leave the studio during the commission of the crimes, thus providing himself with an alibi. Meanwhile Cook, having learned of his wife's unfaithfulness, kills her. Rita, looking for Conway, goes to Cook's studio. She, too, discovers Cook's ingenious scheme just as he returns to the studio. To preserve his secret, Cook prepares to kill Rita, but she is saved by the timely arrival of Conway. Cook, seeking to escape, plunges to his death from a window.

Paul Yawitz wrote the screen play, William Berke produced it, and Ray McCarey directed it.

Unobjectionable morally.

"Ding Dong Williams" with Glenn Vernon and Marcy McGuire

(RKO, no release date set; time, 62 min.)

A routine program comedy with music, unpretentious and moderately entertaining. The story is rather inane; nevertheless some of the situations are laugh-provoking if not exciting. There is really not one situation that will remain in one's mind, and none of the characters do anything to arouse one's sympathy since most of their actions are ridiculous. In its favor is the melodious music, which is a blend of classical and popular tunes. A treat is the accomplished piano playing of Richard Korbcl, an eleven-year-old boy:—

Felix Bressart, elderly music director of Sunrise Pictures, is ordered to compose a modern "Blues" symphony for the studio's newest film. "Blues" music being utterly beyond him, Bressart finds a real problem on his hands. Marcy McGuire, his secretary, takes him to a night club to hear the clarinet playing of Glenn Vernon, a youthful band leader, and persuades him to hire the young man to compose the symphony. On the following day, however, Bressart discovers that Vernon could neither read nor write a note of music, and that he played music as he felt it. Marcy

solves this problem by having two of the studio's music arrangers follow Vernon and write down every note he played. But she soon learns that Vernon could not play "blues" music unless he felt sad. Accordingly, she engineers numerous schemes to put the young man in an unhappy frame of mind, but her efforts are unavailing. William Davidson, the studio production boss, flies into a rage when he learns of the situation and fires Bressart, Marcy, and Vernon. Dejected, Vernon goes to one of the recording stages to listen to a piano recital by Richard Korbcl. He is so stirred by the music that he takes out his clarinet and begins to play the "blues." An alert director quickly swings a microphone over him to pick up the music. The improvisation proves to be just what was needed for the new picture, with the result that all are re-hired by Davidson.

Brenda Weisberg and M. Coates Webster wrote the screen play, Herman Schlom produced it, and William Berke directed it. The cast includes Sons of the Pioneers, Tom Noonan, Cliff Nazarro, Anne Jeffreys, James Warren and others.

Unobjectionable morally.

"Make Mine Music"

(RKO, no release date set; time, 75 min.)

In "Make Mine Music," Walt Disney has wrought another highly entertaining Technicolor cartoon feature, which is billed as "A Musical Fantasy in Ten Parts." Actually, the film is comprised of a series of ten disconnected subjects, each about as long as the average one-reel short. Some are more entertaining than others, but all are good, and each has something to please movie-goers of all tastes and ages. It is a delightful blend of comedy, music, pathos, animation, and color, given a most imaginative treatment. The music and voices are the talents of such well known personalities as Benny Goodman, the Andrews Sisters, Nelson Eddy, Dinah Shore, Jerry Colonna, Andy Russell and others, whose marquee value should draw many patrons to the box-office.

Part 1, "The Martins and the Coys," is a comical saga of old-time backwoods feuding, sung by the King's Men.

Part 2, "Blue Bayou," sung by the Ken Darby Chorus, depicts a picturesque bayou scene in soft pastel shades.

Part 3, "All the Cats Join In," features Benny Goodman's music and deals with the "rug-cutting" antics of the "bobby-sox" set.

Part 4, "Without You," is a love ballad sung by Andy Russell, picturing a kaleidoscope of luminous landscapes, seen through a rain-drenched window.

Part 5, "Casey at the Bat," recited by Jerry Colonna, is a highly amusing treatment of that famous poem.

Part 6, "Two Silhouettes," danced by Tania Riabouchinska and David Lichine, and sung by Dinah Shore, combines live action and animation in a dream-like ballet.

Part 7, "Peter and the Wolf," is a delightful version of Sergei Prokofiev's fable in which little Peter, aided by Sonia the Duck, Ivan the Cat, and Sasha the Bird, capture a wolf. The children should love this episode.

Part 8, "After You're Gone," featuring the music of Benny Goodman's Quartet, is a fantastic set of variations on that favorite tune, visualized on the screen by animated instruments whose frenzied movements are synchronized with the music against a background of riotous colors.

Part 9, "Johnny Fedora and Alice Bluebonnet," sung by the Andrews Sisters, is a story of a touching romance between a man's hat and a woman's hat. It is a choice episode—charming, pathetic, and humorous.

Part 10, "The Whale Who Wanted to Sing at the Mct," is a complete opera in miniature, introducing Willie the Whale, a fabulous mammal with three voices—bass, baritone, and tenor. It features the voice of Nelson Eddy and, through a clever recording process, Eddy sings all three voices at the same time. This episode is Walt Disney at his imaginative best.

"A Night in Casablanca" with the Marx Brothers

(United Artists, May 10; time, 85 min.)

Completely nonsensical, and never pretending to be anything else, this comedy is a good mass entertainment, the sort that comes as a welcome relief from the current cycle of murder and psychological melodramas. The Marx Brothers, Groucho, Chico, and Harpo, last seen on the screen in 1941, are as funny as ever, and their "insane" antics keep the ludicrous proceedings moving at a fast pace and hold the spectator in laughter from start to finish. The story, which is a burlesque on espionage doings, deals with their misadventures in post-war Casablanca when they become involved with Nazi spies who had smuggled a fabulous treasure out of France. Their search for the loot, and its eventual recovery, give rise to series of mad escapades that should set audiences howling.

The fun begins when Groucho is hired as the manager of a swank local hotel after the three previous managers had been murdered mysteriously in quick succession. Unknown to Groucho, Sig Ruman, a hotel guest, was head of the spy ring, which was using the hotel as a cache for the stolen treasure. Ruman, as part of his plan to take over the hotel's operations, had engineered the murders. To get Groucho out of the way, he orders Lisette Vereas, his seductive companion, to make love to him so that he (Ruman) could catch them in a compromising situation and shoot him. Harpo, Ruman's valet, learns of the plan, and he enlists the aid of Chico, a local character who fleeced tourists, to protect Groucho. An incident in the hotel's gambling room helps Ruman to put the trio in jail, giving him an opportunity to become hotel manager and to prepare to move the loot to South America. Learning of Ruman's getaway plans, the trio escapes from jail to thwart him. Their fumbling efforts cause them to become mixed up in a series of hair-raising mishaps before they apprehend the spies and recover the loot.

Some of the situations are so "crazy" that there is no way of describing them, but they are side-splitting. Worked into the plot are the musical talents of Chico and Harpo, as well as an unimportant romance between Charles Drake and Lois Collier. It is not the best picture the Marx Brothers have ever made, but it certainly is entertaining.

Joseph Fields and Roland Kibbee wrote the screen play, David L. Loew produced it, and Archie Mayo directed it. Unobjectionable morally.

"The Truth About Murder" with Bonita Granville and Morgan Conway

(RKO, no release date set; time, 63 min.)

A run-of-the-mill program murder mystery melodrama, with some comedy. The story is thin and unbelievable, and its treatment is routine. Moreover, the over-abundance of dialogue slows up the action. Not until the closing scenes does the action become a little more exciting. The chief reason why one's attention is held at all is owed to the fact that the murderer's identity is not divulged until the end, but most patrons will guess it long before then. It lacks the suspense usually found in pictures of this type:—

After a quarrel with District Attorney Morgan Conway, her employer and sweetheart, Bonita Granville, a deputy district attorney, resigns her position and goes into partnership with Edward Norris, another lawyer. Madly in love with June Clayworth, his estranged wife, who made no secret of her affairs with other men, Norris takes to drink. Bonita persuades him to change his ways and to attempt a reconciliation. Visiting June's apartment, Norris meets Don Douglas, her latest lover, who convinces him that his efforts to win June back were hopeless. Norris resumes his drinking. That night, June is found murdered under circumstances that point to Norris as the killer. Conway orders him held for trial. But Bonita, convinced of her partner's innocence, resolves to find the murderer. Different clues lead her to suspect Rita Corday, who had been jealous of

the attentions that June had paid to Michael St. Angele, her husband; and Gerald Mohr, a bookmaker, who had lost a considerable sum to June on a bet made just prior to her death. Bonita's efforts to find the killer constantly interfere with Conway's sleuthing, but she eventually learns that Rita was present in June's apartment at the time of the killing and that she knew the murderer's identity. Accompanied by Conway, she hurries to Rita's home, but the young woman is shot dead mysteriously just as she is about to name the killer. Rita's murder gives Bonita reason to suspect others of the crime, and she decides to invite all concerned to June's apartment to take a lie detector test. Douglas, arriving before the others, submits to the test, which betrays him as the murderer. He attempts to kill Bonita to silence her, but Conway arrives in the nick of time to save her. With Norris cleared, Bonita decides to abandon her legal career for matrimony with Conway.

Lawrence Kimble, Hilda Gordon, and Eric Taylor wrote the screen play, Herman Schlom produced it, and Lew Landers directed it.

Unobjectionable morally.

"Do You Love Me" with Maureen O'Hara, Dick Haymes and Harry James

(20th Century-Fox; May; time, 91 min.)

Although there is nothing unusual about this Technicolor musical, it shapes up as a fairly good mass entertainment. Its story about a straight-laced, classical music teacher, who transforms herself into a glamor girl and becomes converted to "swing" music, has a familiar ring, but it is light-hearted and gay, with enough romance and comedy to satisfy audiences that are not too discriminating. Harry James' "hot swing" music, and Dick Haymes' "crooning," should have a particular appeal for the "jitterbug" crowd. In addition to his trumpet playing, James takes part in the action, displaying fair acting ability. There are no big production numbers, but the costuming and backgrounds are lavish. The clothes worn by Maureen O'Hara will fascinate the women:—

En route to New York to arrange for Reginald Gardiner to conduct a symphonic music festival at her dignified Philadelphia music school, Maureen O'Hara is unable to find a seat on the train. James, noticing her plight, invites her into his private car reserved for his band. When a "hot" tune played by his boys fails to impress Maureen, James ridicules her by referring to her as the sort of girl men do not whistle at. Smouldering at the slurs cast on her prim appearance, Maureen, upon reaching New York, transforms herself into a glamorous woman and decides to visit the night club in which James played to even her score with him. Learning that unescorted women were not permitted in the club, Maureen approaches Dick Haymes, a seemingly hungry stranger, and offers to buy him a meal if he would accompany her. Haymes, hiding the fact that he was a well known "crooner," accepts her offer. James, a close friend of Haymes', does not recognize Maureen and starts a flirtation with her. She triumphs over him by revealing her identity, but James, undaunted, persists in his attentions. Haymes, too, begins to pursue Maureen, much to her embarrassment, because of her engagement to Richard Gaines, colorless business manager of the school. She eventually falls in love with Haymes, but their courtship hits a snag when Haymes, through a gossip column, gains the impression that Maureen was using him to win James. To add to Maureen's unhappiness, the school expels her when the newspapers publicize that she had taken a liking to "swing" music. It all ends on a happy note, however, when Gardiner, enlisting the aid of James and Haymes, proves to the school board that "swing" had a place in the art of music, thus gaining Maureen's reinstatement and paving the way for a reconciliation with Haymes.

Robert Ellis and Helen Logan wrote the screen play, George Jessel produced it, and Gregory Ratoff directed it. The cast includes Stanley Prager, B. S. Pully and others.

Unobjectionable morally.

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LET US STOP SHAKING DOWN THEATRE PATRONS

The unmorality of trapping theatre patrons in their seats, compelling them to contribute to this, that or the other charity drive, has gained so much attention that now even newspaper columnists are beginning to take an interest in it. In a copyrighted article (1946) that appeared in the April 3 issue of the New York *World-Telegram*, Mr. Robert C. Ruark employed no uncertain terms in condemning the practice. Here are some extracts from his article, reprinted by permission:

"... let us knock off this custom of shaking down the patrons of theatres for any and all causes while the collectors circulate under blazing lights and thrust cans under your nose. It's genteel blackmail, at best. . . .

"... I am getting sick to death of this perpetual shake-down which is based on the theory that if the lights are turned on, every patron feels he is under scrutiny and must cough up a contribution or feel the scorn of his neighbors. . . .

"I intend to continue giving to worthy causes, but I've quit allowing myself to be high-pressured into it. Either they [the theatres] separate charity from virtual blackmail in places of amusement or I, like many another, will cease patronizing those places.

"Staying home every night may be painful, but it has one advantage. Not even television can project an usher with a collection plate into your living room."

Jack Kirsch, president of National Allied, has suggested that the theatres confine themselves to one collection a year, an idea that has been adopted by the new American Theatres Association, but this paper questions the advisability of allowing even one collection. The reasons were set forth in the April 13 issue of this paper. It was pointed out that charitable bodies are now so well organized that there is no home that is left unsolicited. In this way, nearly every person is approached for a contribution and each one, either gives what he can afford, or declines to give anything. But whichever way he decides, the individual is naturally resentful when he goes to a theatre and finds himself solicited once again under circumstances that compel him to give some amount in order to save himself of embarrassment. And those who attend picture theatres three and four times a week are embarrassed just so many more times.

Running a trailer on the screen calling the attention of the patrons to a particular charity drive and urging them to support it should be sufficient; there should be no collections, for it is unfair to the patrons.

Why should the relief agencies choose the picture theatres alone for their drives? Pete Wood, business manager of the Independent Theatre Owners of Ohio, put it forcefully in a letter to Congressman Augustus W. Bennet, dated April 15, when he asked of the Congressman the following questions:

"How many department stores would agree to a complete stoppage of business four times a day (five times on Saturday—when they are busiest) to announce over their loud-speaker systems that during the ensuing fifteen minutes

clerks would walk up and down the aisles urging those in the store to contribute to this or that cause?

"Also, how many of the railroad companies, where people are really trapped in their seats, [Mr. Wood should have added, "as are the picture-theatre patrons,"] would have their conductors, trainmen, porters, etc., walk the length of the train to make a collection for some worthy charity?

"If you can find just one large chain of department stores, or one railroad company to say 'yes' to a request of this nature, I will urge the Board of Directors of this organization to repeal the resolution regarding audience collections.

"May I take the liberty of suggesting that you recommend to other lines of business where there are large concentrations of people (department stores, railroads, churches, restaurants, schools, etc.,) [Mr. Wood could have added football and baseball games, prizefights, hockey matches, and bowling alleys] that they commence to match the marvelous efforts put forth and results obtained by the motion picture theatres in the matter of money collections for worthy causes."

I venture to state that Congressman Bennet will not be able to answer Mr. Wood.

Here is something else that you perhaps never thought of: The more prominent a part your theatre takes in collections for charity drives, the greater a target it becomes in tax matters. When your theatre makes a wonderful record in collections, the average city council member believes that a theatre is a gold mine and thinks nothing of recommending that your admissions be taxed. Most of the people are laboring under the illusion that picture theatres are gold mines, because all the business is, in most cases, concentrated in the two hours in the evening, from seven to nine, whereas the business of all other lines is spread over the entire day, and even much of the night. Isn't this handicap enough without increasing it by continuing the collections?

Our industry leaders who are undertaking to head the collection campaigns are helpless; they are trapped, just as are many of you, in heading these drives—they cannot say "No!" But if there is enough agitation against theatre collections, I am sure that they will think twice before they say "Yes!"

If you want to ascertain whether or not your patrons approve or disapprove of collections in your theatre for charity drives, all you have to do is print some ballots, put the question in the middle of it, and have the end portions of the ballot perforated with the word "yes," on one side, and "No" on the other, and pass them around. Have a box in the lobby where they may deposit their ballots. You will soon know how they feel. And, incidentally, it is the only way by which you can escape local pressure. If the representative of a charity organization should ask you to permit a collection in your theatre for their cause, you should say to him that you will submit to your patrons a questionnaire to have them decide whether such a collection should or should not be made. If you have already polled your patrons on the subject of collections in general, you should be able to convince this representative that your audiences are opposed to them. You could prove it to him by showing him the ballots.

"Blondie's Lucky Day" with Arthur Lake and Penny Singleton

(Columbia, April 4; time, 69 min.)

Being no better and no worse than the previous "Blondie" program comedies, this one should prove satisfying to the series' ardent followers. In story and in treatment, it is more or less a carbon copy of the other pictures, but it offers an hour's diversion, probably to be forgotten immediately after one leaves the theatre. As is usual, the comedy is provoked by the complications "Dagwood" gets himself into when he unwittingly does something that displeases his employer, but in the end his ineptitude proves beneficial to all concerned. The morning rush when "Dagwood" discovers that he is late for work, and the inevitable disastrous head-on clash with the postman as he rushes out of the house, are among the standard comedy routines that are employed to good effect:—

Left in charge of the office when his employer (Jonathan Hale) is called out of town, Arthur Lake attends a meeting of the town's leading businessmen to consider the veterans' unemployment problem. He is maneuvered into hiring a former sergeant as an architect only to learn that he had employed Angelyn Orr, a discharged WAC. He takes Angelyn home to dinner, and Penny Singleton, his wife, makes her one of the family. When Hale returns and objects to Angelyn's employment, Penny intervenes to convince him that he was wrong. Peeved, Hale discharges both Angelyn and Lake. Deciding to form his own construction company, Lake, aided by Angelyn and Penny, contrive to win a theatre construction contract away from Hale, based on Angelyn's design. To this end, they wine and dine Robert Stanton, whom they mistake to be Paul Harvey, a theatre tycoon. Stanton, a wastrel, had been disowned by his father, but he keeps this fact from Lake. After spending his entire savings entertaining Stanton, Lake discovers that he could not help him. Stanton, by this time in love with Angelyn, promises to get Lake an interview with his father. He manages to make good his promise, but, although Harvey is impressed with Angelyn's design, he is unable to give Lake the contract because he had promised it to Hale. Penny takes matters in hand once again and, under her guidance, Lake and Hale patch up their differences and agree to work on the contract together. Meanwhile Harvey, noticing that his son's character had changed for the better, welcomes him back.

Connie Lee wrote the screen play, and Abby Berlin directed it. The cast includes Larry Simms, Marjorie Kent, Charles Arnt, Frank Jenks and others.

Unobjectionable morally.

"Dark Alibi" with Sidney Toler

(Monogram, no release date set; time, 66 min.)

A routine "Charlie Chan" program murder-mystery melodrama, differing little from the other pictures in the series. This one, too, has a confusing story, handicapped by a maximum of talk and a minimum of action, with the result that one loses interest in the outcome. It has an exciting situation here and there, but on the whole the story drags to the point of boredom. There is the usual comedy provoked by "Chan's" colored chauffeur and by his son, but much of this is ineffective because of its silliness:—

When Edward Earle, a former convict, is given a death sentence for murdering a bank guard during a robbery, Teala Loring, his daughter, and George Holmes, her fiance, a prison guard, induce Charlie Chan (Sidney Toler) to reinvestigate the case. Earle had been convicted on the strength of his fingerprints found at the scene of the crime. Chan's investigation takes him to Earle's former rooming house, which boarded ex-convicts only. After questioning Janet Shaw, a typist; Milton Parsons, an accountant; Ray

Walker, a tear gas salesman; and Joyce Compton, a show girl, each of whom might have been mixed up in the robbery, Chan goes to the prison to question Earle. He discovers that Earle was only one of numerous ex-convicts sentenced in similar cases, and he deduces that forgeries had been made of their fingerprints. He learns also that the originals of the prints had been stolen from the prison files. As the investigation comes to a close, several of the suspects are killed in a theatrical warehouse, where Chan finds equipment for impressing rubber gloves with fingerprints. In a surprise move, he unmasks Teala's fiance, the prison guard, as the head of the gang, winning her father's freedom.

George Callahan wrote the screen play, James S. Burkett produced it, and Phil Karlson directed it. The cast includes Manton Moreland, Benson Fong, Ben Carter, Anthony Warde, Tim Ryan and others. Unobjectionable morally.

"Heartbeat" with Ginger Rogers and Jean Pierre Aumont

(RKO, no release date set; time, 102 min.)

A pretty good romantic comedy, with a continental flavor; it should go over with the rank and file. Its "Pygmalion" story about an escaped reform school girl who finds romance with a young French diplomat is far-fetched and somewhat involved, but one is kept amused throughout because of the sparkling performances of the players. The first half of the story, in which Ginger Rogers becomes a pupil in a Parisian school that taught one the art of pick-pocketing, and in which she utilizes her education at an embassy ball, is extremely amusing and novel. The second half, which deals with her efforts to win over the diplomat, follows a well-worn pattern, but it is light and gay. Basil Rathbone, as the tempestuous professor of the pickpocket school, turns in a choice if brief performance. The production values are good:—

Having run away from a girls' reformatory, Ginger becomes easy prey for Rathbone, who tricks her into becoming a pupil in his "school," despite her desire to lead an honest life. Adolphe Menjou, a distinguished ambassador, catches Ginger when she tries to steal his stickpin, but instead of turning her over to the police he dresses her as a debutante and has her escorted to an official ball as part of a scheme to trap his wife (Mona Maris), whom he suspected of having an affair with Jean Pierre Aumont, a young diplomat. Ginger's instructions were to steal Aumont's watch in order for Menjou to learn if it contained Mona's photograph. Ginger becomes so smitten with Aumont that she removes the photograph before handing the watch to Menjou. Satisfied that his wife was true to him, Menjou has Ginger replace the watch and orders her to disappear. Aumont pursues her, but Ginger, inherently honest, tells him the truth about herself. She informs him that she had become a pickpocket to "earn" enough money to purchase a husband "in name only," an act that would automatically save her from being returned to the reformatory. Shocked by her background, but touched by her candor, Aumont arranges with Melville Cooper, an impoverished n'er-do-well friend, to marry her. Cooper, using Aumont's money and home, buys Ginger fine clothes and makes of her a lady, but, when it comes to the marriage ceremony, Ginger, deeply in love with Aumont, refuses to go through with it. This gallant act awakens Aumont's love for Ginger, but he resists her lest her past ruin his career. Ginger, now sure of his love, cleverly uses Menjou's introduction of her as a debutante to ingratiate herself with the embassy officials, thus winning Aumont and assuring him that she would not be an impediment to his diplomatic career.

Morrie Ryskind wrote the screen play, Robert and Raymond Hakim produced it, and Sam Wood directed it. The cast includes Mikhail Rasumny, Eduardo Ciannelli, Henry Stephenson and others. Unobjectionable morally.

"Bedlam" with Boris Karloff and Anna Lee

(RKO, no release date set; time, 79 min.)

Without resorting to the usual bunk found in most horror pictures, RKO has fashioned a spine-tingling, though not pleasurable, melodrama out of this story about the inhumane conditions in London's ill-famed "Bedlam" insane asylum back in the 18th Century. It is an extremely unpleasant tale revolving around the cruelties practiced on the inmates by a sadistic warden, accentuated by the fact that the victims of depravity, and the wretchedness of their existence, are depicted with agonizing realism. The story is somewhat sketchy, but it has been produced artistically and is made believable by good direction and acting. There are a number of gripping situations, the strongest being the one in which the demented patients, rebelling against Boris Karloff, their fiendish keeper, make him their prisoner and put him to death. It is definitely not a picture for children:—

Karloff, chief warden of "Bedlam," charges the citizens of London two pennies to witness the antics of the inmates. He owed his position to Billy House, a dissolute nobleman, who had on his payroll Anna Lee, a frivolous ex-actress, whose job it was to keep him amused. Paying a visit to "Bedlam," Anna becomes horrified at Karloff's mistreatment of the patients and she prevails upon House to order reforms at the institution. Karloff, however, proves to House that reforms would cost him considerable money, persuading him to reject Anna's plea. Enraged, Anna leaves House and seeks the aid of Leland Hodgson, a great liberal and political power. House, fearful that Hodgson might initiate reforms, conspires with Karloff to have Anna committed to "Bedlam" on trumped-up charges. The triumphant Karloff goads her almost to the point of insanity, but Anna does all she can to make the inmates comfortable, winning their love by her kindness. Meanwhile Hodgson and Richard Fraser, a young Quaker who sympathized with Anna's aims, manage to secure a new trial for her. But on the day before the trial Karloff prescribes a "treatment" for her, designed to unhinge her mentally. He tries to take her away forcibly, but the inmates intervene and make him their prisoner. While Anna escapes and goes to Fraser for aid, the patients put Karloff on trial, during which one of them stabs him to death. In a panic, they hide the body by walling it in some new masonry. With Karloff's disappearance unsolved, and with a change in political parties, Anna and Fraser begin the task of turning "Bedlam" into a humane institution.

Carlos Keith and Mark Robson wrote the screen play, Val Lewton produced it, and Mr. Robson directed it.

"The Undercover Woman" with Stephanie Bachelor, Robert Livingston and Richard Fraser

(Republic, April 11; time, 56 min.)

Just a program murder-mystery melodrama, with some comedy touches. In spite of the fact that it is not always logical, the story holds one's attention to a fair degree and keeps the audience guessing as to the identity of the murderer, who is not unmasked until the end. The story's treatment follows the routine formula of directing suspicion on several of the characters to mystify the audience, but few people will have trouble in guessing the solution before the finish. The closing scenes, where the murderer is cornered, are the most exciting. Although the romantic interest has no bearing on the plot, it is developed in a light and pleasing manner:—

Stephanie Bachelor, a woman detective, and Isabel Withers, her scatter-brained assistant, are summoned to a dude ranch by Helen Heigh, a wealthy socialite, to amass divorce evidence against Richard Fraser, her play-boy husband. Fraser was having an affair with Elaine Lange, a married woman, who planned to wed him after securing her own divorce from Larry Blake, her jealous husband.

One night Fraser is murdered in a desert ghost town, where he was to keep a rendezvous with Elaine. Robert Livingston, young sheriff of the town, takes over the investigation, aided by Stephanie. Together they find clues that direct suspicion on Elaine; Helen; Blake; and Tom London, a hired hand, whom Fraser had mistreated. London, pleading innocence, comes to Stephanie and tells her that he had witnessed the crime, but before he can disclose the name of the murderer he is killed mysteriously. Stephanie, investigating Fraser's shady past, makes her own deductions regarding the identity of the murderer and, through a clever ruse, traps Edythe Elliott, mild-mannered owner of the ranch. After Miss Elliott makes an unsuccessful attempt to kill Stephanie, who is saved by the timely interference of Livingston, she confesses that she had murdered Fraser because, years previously, he had seduced her daughter, driving the girl to suicide. She had murdered also London, because he had seen her commit the crime. The mystery solved, Stephanie and Livingston decide to form a partnership for life.

Jerry Sackheim and Sherman L. Lowe wrote the screen play, Rudolph E. Abel produced it, and Thomas Carr directed it. Unobjectionable morally.

"Avalanche" with Bruce Cabot, Roscoe Karns and Veda Ann Borg

(PRC, June 20; time, 70 min.)

From a story point of view, "Avalanche" is a confusing murder-mystery melodrama, with a formula treatment, but with enough suspense and action to satisfy the followers of this type of entertainment. But from a production point of view, it is by far superior to most program pictures because of its excellent photography and of its interesting scenic backgrounds. Much of the action takes place on snow-capped mountains that are a treat to the eye, and worked into the plot are a number of snow-slides that are breathtaking, as well as a few thrilling ski chases. The outdoor scenes are so good that one does not mind the ordinary plot:—

Bruce Cabot and Roscoe Karns, treasury department agents, go to a mountain lodge to arrest a wealthy industrialist for tax evasion. Upon arriving, they learn that the man had failed to return from a skiing trip. Cabot, accompanied by John Good, a ski instructor, searches for the missing man and finds his body on a ski trail. Investigating the murder, Cabot finds the guests at the lodge reacting in different ways to the news. Regina Wallace, a wealthy neurotic, was heartbroken because she believed that the dead man had been in love with her; Eddie Parks, her harassed husband, was confused; Helen Mowery, an attractive girl, felt badly because she liked the dead man; and Wilton Graff and his wife, Veda Ann Borg were indifferent, as was Philip Van Zandt, a gangster. Shortly after, Cabot discovers that the dead man was not the industrialist, but one of Van Zandt's henchmen, and that the missing man was known to have had a half-million dollars in his possession. A series of snow-slides prevents the guests from leaving the vicinity of the lodge, and in the course of events a few mysterious attempts are made on Cabot's life, two of the guests are murdered, and another body found in the snow turns out to be the missing industrialist. Cabot is led through a series of ski chases while following up the different clues, eventually trapping Good as the murderer, but he breaks away and is buried under an avalanche of snow. Cabot proves that the industrialist, in a plot with Good, had arranged to identify the first corpse as his own in order to evade taxes, and that Good had killed the industrialist in an attempt to get his fortune. The others had been murdered because they had discovered Good's secret.

Andrew Holt wrote the screen play, Pat di Cicco produced it, and Irving Allen directed it.

Unobjectionable morally.

IS YOUR FIRE INSURANCE WRITTEN AT TODAY'S REPLACEMENT VALUE?

In a recent service bulletin, under the above heading, Pete Wood, secretary of the Independent Theatre Owners of Ohio, offers to his members sound advice, which should be of interest to all exhibitors. This is what he has to say:

"It has recently been called to our attention that many fire insurance policies are in effect today on theatre properties which were written at low replacement values. If your insurance falls into this category it will be worth your effort to give some time to the study of the situation.

"Let's assume that a theatre property in 1936 cost \$100,000—today the same building would cost nearer \$150,000. Figuring normal depreciation on today's cost, you would have a valuation of \$127,500 in your present building. In contracting for insurance you agree, in most instances, to the co-insurance clause, which means that you agree to carry fire insurance up to 80% of the value of the building. For instance, if your policy has been written for the same amount for the past ten years and the cost of your building was \$100,000, you probably carry \$80,000 worth of fire insurance, which was 80% of the value of the building ten years ago.

"However, if you were faced with a fire loss today, let's see what you would collect on this \$80,000 policy. The value of your building today is \$127,500—you agree to carry 80% of the value of the building or \$102,000 worth of insurance. If you carry only \$80,000 worth of insurance, based upon your 1936 valuation of \$100,000—you have not lived up to your contractual obligation with the insurance company. On a \$50,000 loss you would be able to collect only 40/51st (\$80,000 over \$102,000) of the loss or \$39,215.68. It would make you a co-insurer in the amount of \$10,784.32, this amount being what you would pay because under present conditions of replacement cost your building was under-valued.

"Better get together with an appraiser and your insurance agent and check up on your fire insurance policies."

"Her Kind of Man" with Zachary Scott, Faye Emerson, Dane Clark and Janis Paige

(Warner Bros., May 11; time, 78 min.)

Although considerable money has been spent on its production, this melodrama has not turned out to be more than a fairly good, well-dressed program picture. But it is an unpleasant entertainment, for its lurid tale about the rise and fall of a cold-blooded gambler is completely lacking in human appeal. The story is not always plausible, and there is nothing in it that has not been shown in pictures of this type before. Moreover, it has the drawback of a hero who remains a cad from start to finish. The heroine does not awaken sympathy either, for she is presented as a woman of weak character, even though of not despicable character; she takes up with the gambler after seeing him commit a murder, then, after leaving him, willingly casts aside the true love of another man to wed him, remaining loyal to him even after he kills his own sister. But because there is movement all the time one's interest in the proceedings is held pretty well. Some of the situations are quite exciting:—

Zachary Scott, a calloused small-time gambler, murders Sheldon Leonard, another gambler, when he tries to recoup his losses at the point of a gun. The killing is witnessed by Janis Paige, Scott's girl-friend, and by George Tobias, his brother-in-law, who operated the night club in which Janis was a featured singer. The body is hidden by Scott and by Harry Lewis, a youthful gunman, Scott's bodyguard. Scott hides out in Florida but he soon becomes lonely for Janis and returns to New York. There he finds that Dane Clark, a Broadway columnist had fallen in love with her. To get her away from Clark, Scott takes Janis to Saratoga to work in a new gambling joint that he and Tobias had opened. Meanwhile Clark and detective Howard Smith

come across evidence linking Scott with Leonard's murder. Both go to Saratoga, where Scott's bodyguard takes Clark for a "ride" and gives him a brutal beating. Janis, angered, breaks with Scott. Months later, Scott, learning of Janis' engagement to Clark, goes to New York and, in a whirlwind courtship, sweeps Janis off her feet and marries her. Shortly thereafter he opens a fashionable gambling club. Smith, having accumulated sufficient evidence to convict Scott of Leonard's murder, stages a raid on the club to arrest him. In the altercation that follows, Scott accidentally shoots to death Faye Emerson, his sister (Tobias' wife), and makes a getaway. Janis persuades Lewis to take her to Scott's hiding place, and Scott, angered, punches the bodyguard. To avenge himself, Lewis informs Tobias of the hideout's location, then telephones the police about the anticipated tussle. By the time the police arrive, the gun-battle is over, with Tobias dead and Scott dying. He passes away in Janis' arms, and it ends with Clark taking Jane with him to start a new life.

Gordon Kahn and Leopold Atlas wrote the screen play, Alex Gottlieb produced it, and Frederick de Cordova directed it.

Adult entertainment.

"Henry V" with Laurence Olivier

(United Artists, no release date set; time, 134 min.)

Technically, this lavish production of Shakespeare's historical drama is an artistic masterpiece, an achievement the British motion picture industry may well be proud of. Its appeal, however, will be directed to the very, very few—the students and lovers of Shakespeare who can really appreciate an artistic interpretation of his works. Other than to small houses that cater to "arty" patrons, the picture has no place in the average theatre catering to mixed audiences, for unless one is thoroughly familiar with Shakespeare's writings, and is mentally equipped to understand his blank verse, the dialogue will have no meaning for him, meaningful as it is. As a matter of fact, United Artists, aware of the picture's limited appeal, is giving it a road-show treatment and plans to restrict its exhibition to small theatres and halls that are in a position to cater to special audiences.

Briefly, the story, which takes place in 1415, revolves around the attempt of Henry V to seize the throne of France because of an ancestral claim. With an army of thirty thousand men he sails for France and, after laying siege to Harfleur, takes the town but at great cost. His army thinned and weakened by sickness, Henry turns back to Calais, but a great French army blocks his way at Agincourt, jubilantly confident of victory because of its overwhelming numbers and superior arms. Henry, undaunted, rallies and encourages his men, and, leading them on the field of battle, defeats the French. Later, when Henry comes triumphantly to the French court, he woos the Princess Katharine with a gallant ardour and wins her hand. Their marriage unites the French and English royal houses.

The settings and costumes, enhanced by the Technicolor photography, are a delight to the eye. The outstanding scenes are numerous, but the most memorable and exciting one is the clash of the two armies on the field of Agincourt; it is a spectacle that gives one an inspiring thrill. Laurence Olivier, who produced and directed the picture, and also plays the leading role of Henry V, has done a superb job in each department. Renee Asherson, as the Princess Katharine, is delightfully piquant; her love scenes with the monarch, and the sequence in which she endeavors to learn English, are humorous, warm, and completely captivating. With the exception of Olivier, none of the other players are known in this country, but each one is excellent and, no matter how small his role, is absolutely in the spirit of the play. The background music, played by the London Symphony Orchestra, is distinguished.

Alan Dent, Reginald Beck, and Mr. Olivier adapted the screen play.

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AN IMPOSITION ON THE PICTURE-GOERS

Color in motion pictures is an added attraction. The different hues and shadings, the sheen of the silk dresses, the sparkling of bright objects throwing around color beams in all the colors of the rainbow, seem to fascinate audiences, even when the color is considerably exaggerated. People flock to see a picture in natural colors; and since the only color process that has been successful is Technicolor, when one speaks of color one's mind runs to Technicolor.

For all these reasons the producers of Technicolor pictures have an obligation towards the picture-going public to deliver color in all its Technicolor glory.

In "Renegades," the Columbia western, which has been photographed by the Technicolor process, the color is disgraceful; and so it is an imposition upon the picture-going public.

This writer does not know who is to blame—whether it is Columbia or the technical experts of Technicolor; but he does know one thing—not in several years has he seen a picture in which the color was worse. The faces of the actors look coppery and the expressions are blank. And the choice of Willard Parker as the leading man was most unfortunate, because his eyes, being light blue, give him a somewhat unpleasant appearance.

In view of the fact that, in every instance, Technicolor sends its own experts to supervise production, there seems to be no excuse for the poor results other than that the company, having been rushed for several years by production orders and thus seemingly unable to supply the demand, may have been compelled to employ technical men who have not received thorough training, for if they knew their business they would, by looking at the rushes, have determined that the color was defective, and they would have taken proper measures to correct the defects, whether it was in the camera, in the film stock used, or in the printing. Or perhaps the Columbia men were interfering with their work, and thus these experts were unable to obtain the best results. Whichever the case, we know one thing—the color is unsatisfactory and will not, in my opinion, please picture-goers as much as they are pleased when they see color pictures produced and photographed by thoroughly experienced persons.

Technicolor should take special care to deliver its best work under all conditions. If they are short of expert manpower, they should not undertake to photograph a picture, for the sake, not only of the public, but also of its own reputation.

AN HONOR THE WARNERS DESERVE

This year the Warner brothers are joining other industry leaders in world-wide celebrations to mark the twentieth anniversary of the introduction of talking pictures. It was on August 6, 1926, when they showed at the Warner Theatre, on Broadway, New York City, the first synchronized talking picture, and from that day onward the "talkies" took complete hold of the industry. Within three or four years, silent pictures disappeared entirely, and a few years after that, the disc method of reproduction was replaced by the film method.

Whatever differences of opinion there may exist among exhibitors as to the sales methods that Warner Bros. employed during the period of time when they had control of the available talking picture equipment, there is one point on which there should be no difference of opinion—on the credit they deserve for having defied the opinions of others by gambling their entire resources in the development of this new medium. It was due to their daring that the talking picture advanced as rapidly as it did.

HARRISON'S REPORTS desires to pay homage to that daring of the four Warner brothers, counting the late Sam Warner, for their bold pioneering in the development of talking pictures opened up a new era in the progress of the industry.

THE ROLE OF THE STAR-PRODUCER

Writing in the April 1 issue of *Mo Wax's Film Bulletin*, David Hanna, brilliant young motion picture editor of the *Los Angeles Daily News*, condemned the stars who enter the independent production field. Under the heading, "Stars Make Lousy Producers," Mr. Hanna says partly:

"Although the existing prosperity of the independent production field and the promise it holds out in the postwar future is welcomed by far-sighted film men, there is a worrisome element attached to it that commands inspection; namely, the attraction it holds for actors and actresses. . . .

"Today's crop of movie stars, sheltered by awed press agents, comforted by sympathetic producers, placated by gentle directors, and idolized by the public are about as adequately equipped to enter production as Mickey Mouse is to meet Joe Louis for the heavy-weight title. . . ."

Mr. Hanna recounts the failures of the different stars, but also points out the exceptions.

Mr. Hanna is correct in stating that most of the stars are not equipped with the necessary knowledge to
(Continued on last page)

"Somewhere in the Night" with John Hodiak and Nancy Guild

(20th Century-Fox, June; time, 110 min.)

Very good! It is a psychological murder-mystery melodrama, expertly directed and acted, revolving around a veteran, an amnesia victim, who follows up a slim clue to learn something of his past. The action intrigues and grips one from start to finish as the bewildered man finds himself led into a series of hair-raising adventures in which he becomes enmeshed with an assortment of dubious characters who resort to murder and violence in an effort to recover a stolen two million dollars, a robbery in which he had been connected but in a way unknown to himself. The excitement and suspense is sustained at such a high pitch that the spectator is kept on the edge of his seat. The drawing power of the players is limited, but since the picture is of a sort that should get word-of-mouth advertising, the results at the box-office may prove to be pretty good:—

Given a medical discharge from the Marines, John Hodiak, an amnesia victim, goes to Los Angeles to learn something of his past. His only clue was a baggage check that he had found among his effects. At the railroad station, he exchanges the check for a brief case, in which he finds a letter to him signed by "Larry Cravat," stating that \$5,000 had been deposited in his name at a local bank. The letterhead read, "The Elite Baths." Hodiak's adventures start when he goes to the baths to inquire after "Cravat," whom he could not recall. Everyone he questions avoids his inquiries and, before long, he is kidnapped and beaten by a gang of thugs who wanted to learn "Cravat's" whereabouts. In the course of events, Hodiak becomes friendly with Nancy Guild, a nightclub singer, who asks Richard Conte, a cafe owner, to help him. Through Conte's friendship with detective Lloyd Nolan, Hodiak learns that "Cravat" had been a private detective, and that he was wanted for the murder of a man who had entrusted two million dollars in his care; "Cravat" and the money had disappeared after the crime. Hodiak, aware that the grenade that had exploded in his face, giving him amnesia, had also changed his facial features, begins to dread that he himself was "Cravat" and that no one recognized him. He determines to solve the mystery. After an extensive investigation, in which numerous attempts are made on his life as he meets up with different persons who had long been searching for the missing money, Hodiak finds a clue that leads him to the hidden loot and establishes his identity as "Cravat." But his innocence is proved beyond a doubt when Conte, in an unsuccessful attempt to steal the money, admits to the murder years previously.

Howard Dimsdale and Joseph L. Mankiewicz wrote the screen play, Anderson Lawler produced it, and Mr. Mankiewicz directed it. The cast includes Fritz Kortner, Margo Woods, Sheldon Leonard, Lou Nova and others.

Adult entertainment.

"Rendezvous 24" with William Gargan and Maria Palmer

(20th Century-Fox, May; time, 70 min.)

This is a routine program espionage melodrama, the sort that may please such action fans as are not too particular about story values, for it has enough excitement and suspense to satisfy them. It may, however, do above-average business because the plot revolves around atomic bombs, a subject that lends itself to exploitation nowadays. But the story itself offers little that is novel, and its treatment follows a time-worn formula. The production is typical of that given to secondary program features; and in other respects, such as acting and direction, is just passable.

The action revolves around a group of Nazi scientists, left behind by Hitler to achieve his dream of supremacy through atomic bombs controlled by radio. David Leonard, a refugee scientist working with the atomic bomb experts in the United States, but secretly an associate of the German group, cleverly eludes William Gargan, a secret service man assigned

to guard him, and heads for Germany with information that would enable the Nazi to complete their bomb. Gargan follows in pursuit. He stops at a little German village in the Harz Mountains, where he makes contact with Pat O'Moore, a British agent. He meets also Maria Palmer, who posed as a Swedish journalist but who was actually a German agent. While making an extensive search for the scientists' secret laboratory, known to be hidden in a cave, Gargan is captured by the Germans. He is brought to the laboratory, where Leonard had perfected an atomic bomb, which, through radio control, was set to destroy Paris at 9:30 that evening. To insure the completion of their plan, the Germans forge a note to O'Moore in Gargan's handwriting, and dispatch Maria to lure him to the laboratory. O'Moore, having received word from London that Maria was a spy, permits himself to be taken in by her. Arriving at the laboratory, he precipitates a gunfight in which he and Gargan wipe out the Nazis and, with but five seconds to spare, smash the radio switch that would have destroyed Paris.

Aubrey Wisberg wrote the screen play, Sol M. Wurtzel produced it, and James Tinling directed it. The cast includes Herman Bing, Kay Connors and others.

Unobjectionable morally.

"Boys' Ranch" with James Craig, Skippy Homeier and Jackie Jenkins

(MGM, no release date set; time, 97 min.)

This drama, revolving around the rehabilitation of underprivileged boys, is not particularly novel, and it uses up too much footage for the story it has to tell, but it is presented in an appealing way and holds one's attention fairly well. There is deep human interest in many of the situations, awakened by the determination of James Craig to establish a haven for homeless youngsters, despite the lack of public confidence in the project. In many respects, the picture is comparable to MGM's "Boys' Town," but, though it has many tender and inspiring moments, it lacks the dramatic force of that picture. Darryl Hickman and Skippy Homeier, as juvenile delinquents who are regenerated, give effective performances, but top honors go to little Jackie "Butch" Jenkins, as a homeless waif; he captivates one's heart completely with his naturalness, causing one to either laugh or cry:—

After quitting professional baseball, Craig returns to his Texas home, bringing with him Darryl and Skippy, two homeless boys in trouble with the police. He leaves them at a friend's ranch in the hope that he will find jobs for them. But, through a misunderstanding with Craig's friend, the boys take to the road and, together with a group of tough youngsters, make their home in a deserted building. Craig, finding the youngsters in their squalid quarters, takes an interest in their problems and appeals to the local ranchers to finance a ranch for homeless boys. Ray Collins, one of the ranchers, offers to donate the land if Craig would personally supervise the boys, but provides that the land be returned to him if the project fails. The other ranchers go along with the plan by contributing live stock and farming equipment. Under Craig's patient guidance, the boys become worthwhile citizens, all except Skippy, who continues his wayward ways. He steals money and articles from the ranchers, who, unaware of the thief's identity, suspect all the boys and lose confidence in Craig's work. Skippy, aware that his companions suspected him, runs away. Darryl follows him and catches him with the loot. In the fight that ensues, Darryl is injured and left abandoned by Skippy on a small mid-stream island. As Skippy prepares to catch a train, he realizes that Darryl might drown because of a rising river flood. He turns back to rescue his friend, then confesses to the thefts to halt the ranchers from withdrawing their support of the ranch. Convinced that Skippy had reformed, Craig welcomes him back to Boys' Ranch.

William Ludwig wrote the screen play, Robert Sisk produced it, and Roy Rowland directed it. The cast includes Dorothy Patrick, Sharon McManus and others.

Unobjectionable morally.

**"Cluny Brown" with
Jennifer Jones and Charles Boyer**
(20th Century-Fox, June; time, 100 min.)

Margery Sharp's best-selling novel about an unconventional cockney girl, who had a penchant for repairing defective plumbing and who "never knew her place," has been fashioned into a highly amusing comedy under the deft handling of Ernest Lubitsch. The popularity of the stars and of the story should make it a strong box-office attraction. The story, which is somewhat novel, should appeal both to class audiences and to the masses. The dialogue is sparkling, and the acting and direction outstanding. In addition, the production is most lavish. Jennifer Jones, as the uninhibited girl, and Charles Boyer, as a Czech refugee who sympathized with her unconventional desires, are excellent; both show a fine flair for comedy. Audiences will chuckle with delight at the many complications they get themselves into before they realize their love for one another. Both have been given excellent support by a well-chosen cast. The story takes place in pre-war England:—

Jennifer, an impulsive miss, first meets Boyer, a prominent anti-Nazi liberal, when she goes to the home of Reginald Gardiner to repair a stopped-up drain, in answer to an emergency call her uncle, a plumber, could not attend to. They meet again at the country estate of Reginald Owen, a British nobleman, where Jennifer's uncle had sent her to become a servant so that she could "learn her place." Boyer was there as the guest of Peter Lawford, Owen's son, who had taken it upon himself to protect him from possible harm at the hands of Nazi spies. Boyer and Jennifer become fast friends because of their understanding of each other's unconventional ways, but both forsake all thoughts of romance because she felt that he was "not her type." She starts a romance with Richard Haydn, a smug village chemist, and plans to marry him. Meanwhile Lawford has his romantic troubles with Helen Walker, another house guest. Boyer's interest in Jennifer, and his attempts to straighten out Lawford's romantic entanglements, result in a number of situations that are so completely misunderstood by the wealthy Britishers that he decides to take his leave. In the meantime, Jennifer's uncontrollable urge to fix defective plumbing embarrasses Haydn; he breaks their engagement. As she reaches the railroad station to bid Boyer goodbye, both realize their love for each other; she discards her cap and apron and joins him on the train. They head for the United States and married life.

Samuel Hoffenstein and Elizabeth Reinhardt wrote the screen play, and Mr. Lubitsch produced and directed it. The cast includes C. Aubrey Smith, Margaret Bannerman, Una O'Connor, Billy Bevan and others.

Unobjectionable morally.

**"In Old Sacramento" with
William Elliott and Constance Moore**
(Republic, no release date set; time, 89 min.)

A fairly good western. There is nothing unusual about the story or about the manner in which it is presented, but it has been given a good production and should satisfy most people, particularly the western fans, for it is an entertaining blend of excitement, suspense, romance, and comedy, enhanced by effective musical sequences. As a masked stagecoach bandit, William Elliott is a most sympathetic villain, so much so that one almost regrets that he is made to pay for his sins. The suspense is brought about by the way in which he manages to keep his identity secret. Constance Moore makes an appealing heroine, and is particularly good in the musical numbers. The action takes place in 1850:—

Elliott, posing as a Sacramento gambler, is actually "Spanish Jack," a mysterious stagecoach bandit, who had adopted a lawless life after claim jumpers had taken possession of his gold stake. Constance Moore, singing star of a showboat, with whom Elliott was in love, suspects his outlawry. Sheriff Eugene Pallette prepares to trap "Spanish Jack" on his next attempted robbery. But Elliott, tipped off

by Jack LaRue, a treacherous halfbreed, who was his secret partner in crime, foils the plot. Hiding out from the posse, Elliott and LaRue stop for food at the cabin of Hank Daniels, a young gold miner, whom LaRue tries to rob against Elliott's wishes. Daniels gives him a severe beating. Catching up with the outlaws, the posse manages to trap LaRue, but Elliott makes his getaway and returns to Sacramento. There he finds Daniels lavishing his gold on Constance and courting her. The young man loses his fortune in a crooked card game and, to regain his losses, disguises himself as "Spanish Jack" and recovers the money from the gamblers. His clumsiness, however, results in his arrest. When he denies that he was "Spanish Jack," Pallette orders LaRue brought from jail to identify him. Elliott, realizing that LaRue would readily incriminate Daniels to avenge himself for the beating, makes a bold appearance in his "Spanish Jack" costume, killing LaRue in a gunfight, and thus clearing Daniels. In making his escape, however, Elliott is shot down by Pallette. He dies in Constance's arms.

Frances Hyland wrote the screen play, and Joseph Kane produced and directed it. The cast includes Ruth Donnelly, Lionel Stander, Grant Withers and others.

Unobjectionable morally.

**"A Stolen Life" with Bette Davis
and Glenn Ford**

(Warner Bros. no release date set; time, 107 min.)

A very good romantic drama; it should prove to be a top box-office attraction. The engrossing story is of a type that suits Bette Davis' talents excellently. Playing a dual role, twin sisters, one serious and honest, and the other flirtatious, callous, and selfish, Miss Davis makes one feel as if each character is a separate and distinct personality, alike only in looks. The story, which was produced once before in Britain, starring Elizabeth Bergner, and distributed in this country by Paramount in 1939, is substantially the same, except for the change in locale from Europe to New England. The action is a bit slow, but it holds one absorbed throughout. Its strong romantic interest will appeal to women in particular. Special mention should be made of the excellent trick photography that has been employed to bring the twin characters together in one scene; the technique is amazingly perfect, even to the extent of having the shadow of one sister fall across the body of the other as they cross paths. The production values, the direction, and the acting of the supporting players, are of the highest order—

Kate and Patricia Bosworth (both played by Bette Davis) are so alike in appearance that not even their close friends can tell them apart. While vacationing in New England, Kate, the sincere sister, falls in love with Bill Emerson (Glenn Ford), a government lighthouse inspector. Ford accidentally meets Patricia, the flirtatious sister, and, thinking her to be Kate, expresses his love for her. He soon discovers his mistake, but Patricia, bringing her womanly wiles into play, wins his love and marries him, much to Kate's despair. Kate, a sketch artist, loses herself in work to forget her grief. Learning that Emerson had taken a trip to South America, Kate goes to New England to visit Patricia. They go for a sail and, during a storm, their boat capsizes. Kates tries unsuccessfully to save Patricia, and as she slips out of sight her wedding ring works loose into Kate's hand. Kate is rescued, and everyone believes her to be Patricia because of the wedding ring. She decides to assume Patricia's identity. Upon Emerson's return Kate succeeds in deceiving him, but she is shocked to learn that he wanted a divorce because of Patricia's unfaithfulness. Still posing as Patricia, she tries to win back his love, but Emerson's mistrust of his wife makes her position difficult. She finally decides to end the ruse, but by that time Emerson realizes the truth and both are, therefore, reunited.

Catherine Turney wrote the screen play, and Curtis Bernhardt directed it. The cast includes Dane Clark, Charles Ruggles, Walter Brennan and others.

Unobjectionable morally.

enable them to produce good pictures, but he is wrong in condemning the practice; what he should have condemned is their passing upon their own story material. Few of them are qualified for that task.

It is not wrong for a star to produce his own pictures if he will only let those who are qualified pass upon the stories. They might well look to Eddie Dowling as an example. Mr. Dowling co-produced a play on Broadway, "The Glass Menagerie," and it is a "howling" success. Not only did he co-produce the play, but he also directed it and appears in one of the leading parts. But whenever he appears on the stage, he has another director direct him. He is smart enough to know that a lawyer is his own worst client, and lets another "lawyer" guide him.

If the star-producers should follow Mr. Dowling's example, we could have a much higher grade of product than at present.

**"The Glass Alibi" with Paul Kelly,
Douglas Fowley and Anne Gwynne**
(Republic, April 27; time, 68 min.)

A fairly good program murder melodrama. Adults who enjoy this type of picture should be entertained because of the plot's unusual ending in which the villain, tricked by his own fake alibi, pays for a crime he did not commit. But the story is unpleasant and demoralizing, for it shows how a perfect crime may be committed. For instance, Douglas Fowley, who had made up his mind to kill his wife, is shown planning the crime in detail to establish a fool-proof alibi for himself. There is no mystery to the story since one sees Fowley commit the murder, but the spectator is held in suspense not knowing in which way he would be caught:—

Cy Kendall, a notorious gangster hiding from the police, forces his way into the home of Maris Wrixon, a wealthy society girl, and telephones Anne Gwynne, his girl-friend, to meet him there. Fowley, a newspaper reporter and Anne's current lover, overhears the conversation and seizes the opportunity to notify the police of Kendall's whereabouts, thus scoring a scoop and paving the way to carry on his affair with Anne unmolested. Arriving at Maris' home to cover the arrest, Fowley recalls that she was the young millionaire who, due to an heart ailment, had but six months to live. He decides to make love to her in a scheme that would lead to marriage and then her fortune, after her death. Anne approves of the scheme and agrees to aid him financially. Exercising suave technique, Fowley succeeds in winning Maris' heart and in marrying her. But as the months pass by he finds much to his chagrin, that her health was improving. Meanwhile Kendall, having learned from his henchmen of Anne's affair with Fowley, cuts off her allowance. Desperate for money, Fowley plans to murder Maris and to make it appear suicidal. He arranges for Anne to rent a room in a distant town and to "plant" evidence of his having spent the night there with her. He then returns to his home, slips into Maris' bedroom, and shoots her, placing the revolver in her hand. On the following morning he returns home and finds Paul Kelly of the homicide squad awaiting him. Kelly, having long suspected Fowley's motives in marrying Maris, accuses him of her murder, but Fowley blandly informs him that he had been with Anne at the time of the crime. As Kelly prepares to check on Fowley's alibi, word arrives that Kendall had escaped from jail but had been caught and killed, and

that Anne had been found murdered in her hotel room. Fowley protests that Kendall must have murdered Anne, but Kelly, preferring to believe his "fool-proof" alibi, arrests him for the crime.

Mindred Lord wrote the screen play, and W. Lee Wilder produced and directed it. The cast includes Jack Conrad and others.

Adult entertainment.

**"Renegades" with Willard Parker,
Larry Parks and Evelyn Keyes**

(Columbia, no release date set; time, 88 min.)

Except for the fact that it has been photographed in Technicolor, there is nothing unusual about this western. Like most pictures of its type, it offers some excitement and thrills, for there is the regular amount of shooting and riding the horses at top speed either to catch the villains or get away from their clutches. But, as entertainment, it is strictly for the ardent followers of westerns; there is nothing about either the story or treatment that will appeal to those who expect something different in "large-scale" westerns. Moreover, the color photography is poor, the production values surprisingly ordinary, and it resorts to an excessive number of montage shots to pad out the thin story. The characterization of the heroine is poor; she forsakes the hero on the eve of their wedding to marry a bandit (a romance that is developed in an unbelievable way), even though the hero had given her no cause to leave him. The fact that, towards the finish, she turns against the bandit and returns to the hero is impotent to efface from the spectator's memory the weakness of her character. Not much can be said for either the direction or the acting:—

On her way home in a stage coach to marry Willard Parker, Evelyn Keyes and her father (Willard Robertson) are held up by Edgar Buchanan and his two sons (Jim Bannon and Forrest Tucker), a family of notorious outlaws. The robbery is interrupted by Larry Parks, a mysterious rider, who forces the bandits to return the loot but allows them to go free. Evelyn, attracted to Parks, soon learns that he was another one of Buchanan's sons, and that he was trying to lead an honest life. While being pursued by a posse, after committing a crime in town, Parks' father and brothers seek refuge in his cabin on the outskirts of town. Parks helps to drive them off, but when his identity becomes known to the posse he is placed under arrest. Parker, convinced that the young man was innocent of wrong-doing, defends him in court, but, before the jury brings in a verdict of not guilty, Parks' father and brothers invade the courtroom and spirit him away. Embittered by his false arrest, Parks rejoins his family in a life of crime. Evelyn, deeply in love with Parks, jilts the doctor to marry him. The gang, accompanied by Evelyn, embarks on a wide campaign of plunder. Parker catches up with them only to find Evelyn on the verge of motherhood. He takes her back to town for the birth of her child. Weeks later Parks steals into town and tries to persuade Evelyn to rejoin him, but she refuses. To save Evelyn and the baby from harm, Parker meets the gang in a gunfight and wipes them out, thus clearing the way for his marriage to her.

Melvin Levy and Francis Edwards Faragoh wrote the screen play, Michel Kraike produced it, and George Sherman directed it. The cast includes Ludwig Donath, Frank Sully and others.

Unobjectionable morally.

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The Case of Howard Hughes Versus Eric Johnston

Every one of you knows by this time, I am sure, that Howard Hughes is in a court battle with the producers' association. Recently Eric Johnston, the new head of the producers' association, objected to the advertisements that Hughes, producer of "The Outlaw," was inserting in the newspapers and posting on billboards as violating the producers' code. He summoned Hughes for trial with a view of expelling him from the association's membership unless he gave up the use of rejected advertising copy and desisted from using copy that had not been submitted to the association for approval.

Mr. Johnston, in a statement directed against Mr. Hughes and "The Outlaw," said partly: "Mr. Hughes submitted advertising which could not be approved under the provisions of our Code to which, as a member of the association, he voluntarily subscribed.

"Although the advertising was disapproved, Mr. Hughes has nevertheless insisted on using rejected material. He has also used objectionable advertising which was never submitted to the association. In so doing, he has challenged the association's system of self-regulation."

But on April 23, the day on which he was to appear before the association's board for trial, Mr. Hughes went to court and halted the proceedings by a temporary injunction restraining the association from interfering with the picture in any way. A hearing on Mr. Hughes' petition will be held on May 16. Meanwhile he has tendered to the association his resignation.

Mr. Hughes' court action was taken because his lawyers advised him that, if he should be expelled from the association, the production seal might be withdrawn from "The Outlaw," and in such an event the picture would not be shown by the affiliated theatres and by many of the independents.

The April 30 issue of *The Hollywood Reporter* published an interview with Mr. Hughes given to Billy Wilkerson, the paper's owner, in which he makes some interesting statements. One of the statements is to the effect that the major companies were given by the Hays association, and are given now by the Motion Picture Association, privileges that were and still are denied to the independent producers. "I have enough clips of advertising on major pictures," Mr. Hughes is quoted as having said, "to fill the Rose Bowl [the famous Hollywood stadium], all photographs and advertising that the Hays office okayed for the majors, which were used in the press of the country to advertise many pictures and none of my advertising, which they blue pencilled, was as bad. I brought these advertising clips to them, asking 'why'; they refused to even look at them, would not make any comparisons; at one time acknowledging that the exhibition I brought up might have been bad, 'but we are correcting that now!' Correcting it? Have you read the ads on Columbia's 'Gilda'? There's hardly a line in one of my ads or a photograph, as suggestive as those ads. So why pick on me? All I have asked, all I ever wanted is the same break they would give to anyone else and I'm going to get that break in court; at least I believe I will. The very thing that has been denied me by the Johnston office now and the Hays office of years ago, but given to some of the majors, I am now demanding

in court. I'm not only fighting my own battle but that of every independent. There should be one rule for all of us—not one for the majors and a different one for the independents."

Lest the readers of this editorial form the opinion that I am endorsing Howard Hughes' suggestive advertisements, let me hasten to assure them that such is not the case, for I am heartily in accord with the producers' association in any campaign against practices that tend to lower the standards of decency; I merely want to point out that Mr. Hughes' outburst is not a figment of his imagination but a statement that is founded on facts.

The independent producers are not given the same consideration by the production code administrator as are the major producers. For instance, if an independent used in a picture of his the word "squaw," it would be rejected (and rightly so) by the code administrator on the ground that it was offensive to the Indian race. On the other hand, the code administrator will permit the major producers to use in their pictures, the dirtiest language imaginable, dressed up, of course, to resemble smart dialogue.

Can an independent use stories with a suggestive theme? No! Can the major producers use such themes? I shall let you, the reader, answer this question after submitting to you certain facts:

According to April 2 issue of *Daily Variety*, Joe Breen issued to the producers a "sharp warning" to watch their step in the matter of observing the production code. Says *Variety*:

"Breen's series of conferences with the producers and flacks [publicists] during the past week dealt with the tendency of the industry to observe the strict letter of the code but not its spirit. Intimation is that Breen feels that both in filming and ballyhoo the picture makers have been cutting corners, using material that cannot be fingered as a direct violation of the regulations laid down by the Motion Picture Association of America but that still borders on the objectionable. . . ."

When I read this item I could not make up my mind whether Joe Breen was serious or merely "kidding," for to my knowledge no producer can get away with material that "borders on the objectionable" even if it is not a "direct violation" of the code. Where was Breen when Walter Wanger's script on "Scarlet Street" was submitted to his office? And where was he when the picture, after being finished, was sent to his office for reviewing? In Atlanta, to name one city, the picture was condemned for violating decency and propriety, because "it deals with an immoral woman and illicit love, shows the enactment of a murder and permits the man who commits the murder to go unpunished except by his own conscience. It is licentious, profane, obscene and contrary to the good order of the community."

The producer of this picture may say to you: "Well, what do you expect a censor to say?"

Even though the object of this discussion of mine is to prove that Mr. Hughes' statement is correct—that the production code administrator does not apply to the major producers the same code standards that he applies to the independent producers—

(Continued on last page)

"Courage of Lassie" with Elizabeth Taylor, Frank Morgan and Tom Drake

(MGM, no release date set; time, 92 min.)

From the standpoint of scenic beauty and simple dramatic charm, this third of the "Lassie" pictures is worthwhile, but its slow-moving, sentimental tale about a girl and her dog offers little that is novel; it should appeal mainly to children and animal lovers. The story is told against a background of natural scenery, which, in Technicolor photography, is a treat to the eye. Extremely fascinating are the opening reels in which Lassie is shown as a puppy, frolicking in the forest with the different wild animals. The picture has a fine human quality throughout, and the attachment that develops between Elizabeth Taylor and the dog is appealing. A warin dramatic highlight occurs at the end where Frank Morgan, defending the dog on charges that he was a "killer," makes a quiet but impassioned plea to the court, saving the animal's life. Lassie, as in the other pictures, displays unusual intelligence. The sequences having to do with Lassie's role as a war dog present little that has not already been seen on the screen, but they have been handled well, despite their familiarity:—

Straying away from its mother, Lassie, a collie puppy, becomes lost in the wilderness and grows up with the wild animals. Months later, while playing near a lake, Lassie is accidentally shot by two boys hunting birds. Elizabeth, who lived on a sheep ranch nearby, takes the wounded puppy home and, with the aid of Frank Morgan, a neighboring rancher, nurses him back to health. Elizabeth and the dog become inseparable companions. One day Lassie is run down by a truck and the driver takes him to a veterinarian in a city nearby, where he recovers. But when his owner cannot be located Lassie is sent to an Army dog training center. He eventually is sent to the Aleutian Islands, where he distinguishes himself in a battle against the Japs, but at the cost of his own nerves, shattered by gunfire. Upon his return to the United States, he escapes from his cage into the mountain wilds, killing chickens for his food as he makes his way back to Elizabeth. Her familiar scent brings him back to normalcy. But the local ranchers, aroused by Lassie's raids on their chickens, obtain a court order to have him destroyed. Through an Army identification number tattooed on Lassie's ear, Morgan learns that the animal had been a war hero; he makes an impassioned plea to the court, winning Lassie's freedom by comparing his case to that of a soldier who may return from war not quite normal. Lassie's beloved mistress clasps him in a tearful embrace.

Lionel Houser wrote the screen play, Robert Sisk produced it, and Fred M. Wilcox directed it. The cast includes Tom Drake, Selena Royle, Harry Davenport, George Cleveland and others.

"The Devil's Mask" with Anita Louise, Jim Bannon and Michael Duane

(Columbia, May 23; time, 66 min.)

A routine program murder-mystery melodrama, with enough eeriness and suspense to satisfy those who are not too particular about their screen fare. Although far-fetched and somewhat complicated, the plot is fairly interesting, and one's attention is held throughout since it is not until the end that the mystery is solved. Most spectators, however, should experience little difficulty in guessing the murderer's identity. The closing scenes, where a maddened leopard threatens the lives of several of the characters, are the most exciting. There is no human interest since the characters do nothing to arouse one's sympathy:—

When a transport plane headed for South America crashes and burns, the police find an unidentified package containing a human shrunken head. They check with a local museum that had an exhibit of five shrunken heads collected by Frank Mayo, a missing explorer, and find that none is missing. Mona Barrie, the explorer's wife, hires private detectives Jim Bannon and Barton Yarborough to protect her from violence at the hands of Anita Louise, her

stepdaughter, and Michael Duane, Anita's boy-friend. Meanwhile Anita, accompanied by Duane, visits Paul Burns, a mild-mannered taxidermist, who was her father's closest friend, and tells him that she suspected a love affair between her stepmother and Frank Wilcox, a professor, and that she believed them responsible for her father's disappearance. That night, at Anita's home, a mysterious attempt is made to kill Wilcox with a poisoned dart fired from a blow-gun. Circumstantial evidence points to Duane as the attacker, and subsequent events cause Anita to lose faith in him. Meanwhile, Bannon discovers that one of the heads in the museum was that of the missing explorer's. In the events that follow, Duane finds reason to suspect the taxidermist and, while visiting his shop with Anita, compels him to confess that he had hated the explorer for killing animals and had murdered him weeks before, shrinking his head and substituting it for one in the museum. He knocks Duane unconscious and plans to decapitate both him and Anita in order to retain his secret, but his scheme is interrupted by the sudden arrival of Bannon. To protect himself, Burns lets a pet leopard out of his cage to attack Bannon, but the beast turns on his master and kills him, and is in turn shot by Bannon.

Charles O'Neal wrote the screen play, Wallace MacDonald produced it, and Henry Levin directed it.

Adult entertainment.

"She Wrote the Book" with Joan Davis and Jack Oakie

(Universal, May 31; time, 78 min.)

An entertaining farce-comedy. Combining the mistaken identity and loss-of-memory themes, the story is a thin but novel tale about a timid woman professor, who, mistaken as the author of a risqué best-seller, lives the glamorous part when she becomes an amnesia victim. It has amusing complications throughout, but the laughter is provoked mainly by the antics of Joan Davis, whose performance is superior to the material given her. There are several extremely comical situations; a few are slightly risqué, but they are handled so well that they never become offensive. Mischa Auer provokes laughter whenever he appears; his antics are familiar, but nevertheless comical. Jack Oakie, as a press agent, has little to do:—

As Joan Davis, professor of calculus in a small university, prepares to go on a trip to New York, Gloria Stuart, wife of the dean (John Litel), confides to her that she was the author of a risqué best-seller, which she had written under a pen name, and which had been banned on the campus. She informs Joan that she had never met her publishers and asks her to pick up a royalty check while in New York. Posing as the authoress, Joan visits the publisher only to find that Jack Oakie, his press agent, had made elaborate plans to publicize her. She becomes panicky and, while attempting to flee the unwanted publicity, is injured in an auto crash and loses her memory. Believing herself to be the authoress, Joan leads an extravagant, glamorous life as planned by Oakie. But when she refuses to write another book, Oakie engages Mischa Auer, a bogus Russian nobleman, to help her squander the royalty check in the hope that she will go broke fast and be compelled to write again. His plan fails, however, when Thurston Hall, an elderly, wealthy admirer, showers her with gifts. After numerous escapades, in which Hall's jealous wife threatens to shoot her, Joan regains her memory, only to find that she had been expelled from the university, which planned to shut down because it lacked sufficient funds. Determined to save the school, Joan assumes her glamorous role once again and, "crashing" an exclusive dinner party in Hall's home, insults the distinguished guests and embarrasses Hall to such an extent that, to be rid of her, he gladly agrees to finance the failing university. Gratefully, the Dean reemploys Joan.

Warren Wilson and Oscar Brodney wrote the screen play, Mr. Wilson produced it, and Charles Lamont directed it. The cast includes Kirby Grant, Jacqueline de Wit and others.

Unobjectionable morally.

"Without Reservations" with Claudette Colbert, John Wayne and Don DeFore

(RKO, no release date set; time, 107 min.)

Good. It is a breezy romantic comedy, the sort that should go over well with the rank and file. The story, which deals with the misadventures of an authoress and two Marines while on a trans-continental trip, is somewhat sophisticated, and though it is not very substantial it keeps one amused throughout, mainly because of the witty dialogue, the comical situations, and the engaging performances. The gradual development of the romance between Claudette Colbert and John Wayne takes place in an amusing way, and the complications she gets herself into in order to be near Wayne should provoke much laughter. At times the action bogs down because of too much conversation, but on the whole there is hardly a dull moment, for it is sprightly, gay, and clever:—

Claudette, author of a best-selling novel about the psychological reactions of returned war veterans, boards a train for Hollywood to work on the screen version. En route, she becomes acquainted with John Wayne and Don DeFore, Marine flyers, who, unaware of her identity, "razz" her book. Claudette sees in Wayne the ideal hero for her book and determines to have him play the part. At Chicago, she learns that the boys were to continue their trip to the coast on another train. Lest she lose sight of Wayne, with whom she was falling in love, Claudette boards his train, minus baggage, reservations, or ticket. The boys' lively interest in her leads the conductor to believe that she was not a "lady" and, following a drinking party in which all three become slightly "high," he puts them off the train at La Junta, Colo. They pool their resources and buy a second-hand car with which to continue their trip. After numerous escapades they eventually reach a small New Mexico town, where Claudette, in need of funds, cashes a check in a local hotel. The townspeople, learning her identity, are about to lionize her, but a premature news story announcing her arrival in Hollywood causes her to be thrown in jail on a bad check charge. The boys, who, too, believed that she was an imposter, sell the car to bail her out, but her producer turns up and straightens out the affair. Wayne, angered because Claudette had hidden her identity and convinced that she faked an interest in him to get him to play the lead in her picture, refuses to communicate with her. But DeFore, realizing that both loved each other deeply, brings about their reconciliation.

Andrew Solt wrote the screen play from the novel by Jane Allen and Mae Livingston, Jesse L. Lasky produced it, and Mervyn LeRoy directed it. The cast includes Anne Triola, Phil Brown, Dona Drake, Frank Puglia and others.

Unobjectionable morally.

"The Phantom Thief" with Chester Morris

(Columbia, May 2; time, 65 min.)

A tiresome addition to the "Boston Blackie" series of program melodramas. In plot construction, it is a carbon copy of the previous pictures in that Chester Morris, as the reformed thief, finds himself the victim of incriminating circumstantial evidence in a murder case, and is compelled to solve the crime in order to prove his innocence. The story is so confused, so inane, and so illogical that one loses interest in the proceedings long before the final reel. The accent is on the comedy, but most of it is ineffective because it is forced and stupid.

This time Morris' troubles begin when George E. Stone, his pal, asks him to help Murray Alper, a private chauffeur, out of a jam. Carrying out the instructions of Jeff Donnell, his wealthy employer, Alper had stolen a valuable necklace from the office of Marvin Miller, a spiritualist, and the police were on his trail. Accompanied by Alper and Stone, Morris visits Miller to return the jewels. Miller invites them to witness a seance for Jeff, and during the demonstration

Alper is stabbed to death under circumstances that lead Inspector Richard Lane to suspect Morris of the murder. Morris, escaping from the police, communicates with Jeff and learns that Miller, her former husband, had been blackmailing her, threatening to inform Wilton Graff, her present husband, that her first marriage was never annulled officially. During his investigation, Morris comes across evidence that leads him to suspect that Graff had a hand in the murder. As he relates this belief to Jeff, an unidentified man attempts to shoot her. Morris, working with Lane, decides to trap the killer by a ruse: Lane informs Graff that his wife had died from the gunshot wound, and arranges for Miller to conduct a seance so that he might converse with Jeff's "spirit" and uncover her "murderer." Morris knocks Miller unconscious and, donning his ritual raiments, conducts the seance, with Jeff's aid, in a manner that scares Graff into confessing that he, in partnership with Miller, had committed the crimes in an effort to gain control of Jeff's wealth.

Richard Wormser and Richard Weil wrote the screen play, John Stone produced it, and D. Ross Lederman directed it. The cast includes Dusty Anderson and others.

Unobjectionable morally.

"Strange Triangle" with Preston Foster and Signe Hasso

(20th Century-Fox, June; time, 65 min.)

Despite its unbelievable story, this melodrama shapes up as a fair supporting feature, suitable for indiscriminating audiences. It deals with the machinations of a chemoing adventuress, who makes a thief out of her weakling husband while trying her utmost to start a love affair with his business supervisor. More than the story, it is the tight direction and the good acting that holds one's interest. Preston Foster, as the supervisor, wins one's admiration because of his recognition of the woman's worthlessness and of his refusal to submit to her advances, but he carries nobleness to the extreme in attempting to pay for the sins of the husband. On the whole the situations are contrived and mechanical, rarely striking a realistic note. The story is told in flashback:—

Foster, a returned veteran, accepts a position as district supervisor of several banks owned by Roy Roberts, his close friend. Before starting work, he takes a short vacation during which he meets Signe Hasso, who starts a flirtation with him. She disappears after an evening of fun, leaving him without knowledge of her name or address. He determines to get over his romantic "hangover" by starting work, and heads for Santa Rosita, a small town, where John Sheppard, Roberts' younger brother, was manager of the local bank. Accepting Sheppard's invitation to be his houseguest, Foster accompanies him home and is shocked to find that his wife was none other than Signe. Both greet each other as complete strangers, and later, when they find an opportunity to be alone, Signe attempts to resume the flirtation. But Foster, sickened to find that she was a faithless wife, refuses to have anything to do with her. He soon learns that Sheppard was in financial difficulties because of Signe's extravagances, and that he had stolen \$3,000 from the bank's funds. To save Roberts a heartache, Foster works with Signe to restore the missing funds only to find that he had been duped by her into compounding the felony. He checks into her background and learns that she had a long criminal record. Meanwhile Signe convinces her husband that he must run away with her, and persuades him to steal an additional \$90,000, planning to doublecross him by absconding with the money herself. Foster arrives in time to prevent their getaway and to expose Signe's scheme to Sheppard. Foster is compelled to shoot Signe when she brandishes a gun, but, to keep the truth from Roberts, he declines to explain why he shot her and is held for murder. Sheppard, however, gains Foster's release by confessing his thievery.

Mortimer Braus wrote the screen play, Aubrey Schenck produced it, and Ray McCarey directed it. The cast includes Anabel Shaw, Emory Parnell and others.

Unobjectionable morally.

pendents, I shall, for a moment, digress to answer Mr. Wanger's hypothetical question by bringing forward the statement of a person who is not a censor, but an everyday decent person. I am referring to Terry Ramsaye, editor of *Motion Picture Herald*. In an editorial that appeared in the *Herald's* February 2 issue, Mr. Ramsaye, discussing "Scarlet Street," said partly the following: "The picture is a morbid, seamy story dealing with the dregs of humanity . . ." And the review in HARRISON'S REPORTS said: It is a "tale about a mild-mannered, middle-aged cashier, whose naive involvement with an unscrupulous prostitute and her vile procurer drives him to robbery and murder. . . . It flouts openly the principles of morality and the boundaries of good taste as established by the Production Code."

Where was Joe Breen when the script of "The Corn is Green" was submitted to his office? And where was he when the picture was sent to him for reviewing? Does he know that in this picture there is implied a seduction? And a seduction, not out of love—you may forgive two young people, madly in love with each other, for forgetting themselves; but this is an unadulterated sordid seduction, the kind that Joe Breen would not tolerate in an independent picture. I have had many talks with independent producers in my several visits to Hollywood, and I speak from knowledge.

In the *Variety* interview mentioned in this article, Mr. Breen condemned the producers' tendency of working around, not only themes, but also advertising. If I had been present when he made his remarks on advertising, I would have been inclined to look him straight in the eye and ask: "Did your department pass on the press book of 'The Strange Affair of Uncle Harry'?"

I am sorry to have to pick on a second Universal picture, but it illustrates the point most forcefully. I am referring to "Uncle Harry." I looked up the special press sheet, which was naturally approved by the producers' association before being printed, and found the following:

Ad Mat No. 402 shows a picture of the hero's sister reclining over the head of the hero. The wording on top is: ". . . and she's his sister!" Below there is the following wording: "The whispered words that shattered a scornful bond—drove a man to murder—and stripped to trembling nakedness the strangest part of a woman's soul!"

Ad Mat No. 301 shows the hero and his sister with heads together, and the wording reads: "Brother and Sister . . . whose intimate secret was everyone's gossip . . . whose strange devotions could only lead them to the gallows."

Ad Mat No. 405 has this wording: "A woman torn by emotions that incensed her own brother with the desire to KILL!"

I could go on quoting more similar wording, but I believe that what I have quoted is enough to prove the point. All this wording, together with the posed photos, lead one to believe that there is a sex relationship between brother and sister—a revolting implication, although no such relationship exists in the story. And what makes that suggestion more conclusive is this: The title of the stage play on which the picture has been founded was plain "Uncle Harry," whereas the advertising department of Universal added the phrase, "The Strange Affair of." That phrase is not a part of the title, but merely supplementary to it. Yet, the effect is the same as if it were part of the title.

Would Mr. Breen have approved the wording in this press sheet if it had been submitted by an independent producer?

Let me have an independent producer answer this question. I was in Hollywood recently and I had a talk with one of them on the same subject. He told me that Breen objected to certain situations in some stories he contemplated producing although, he said, Breen approved similar situations in stories submitted by the major producers.

I asked him why he did not call Breen's attention to this inconsistency, and he replied that he did, but that Breen's answer was: "Well, the major companies have the means of treating such situations artistically." It is, in my opinion, a thought such as this that has made Mr. Breen swallow major camels but choke on independent morsels.

Why should Mr. Breen have carried on for the producers "refresher courses" on the code if he and his staff had done their duty? Where is he when the code is violated? And why should he allow violations to go through when he has the power to stop them? Perhaps some of you, readers of this paper, are unfamiliar with the fact that Mr. Breen can reject anything that offends good taste or in any way violates the code's provisions, and if a producer disagrees with Breen's decision he can appeal to the New York office. In such an event, the New York office has the final word. But in all these years I do not recall a single instance in which the New York office reversed Mr. Breen's decisions. Under the circumstances, his "teacherish" admonition to the producers to stop "skirting" the code is a fine bit of comedy.

As it has already been stated, HARRISON'S REPORTS is in favor of any constructive movement aimed at raising the moral standards of the screen. It certainly does not condone pictures like "The Outlaw," whose appeal is directed, not to one's emotions, but to one's sex passions; nor does it condone the use of the type of advertising that Mr. Hughes' is employing to attract people to the box-office. But the point in question here is, neither that Mr. Hughes has produced an undesirable picture, nor that he is using questionable exploitation methods, but that the producers' association, by failing to apply to its major-company members the same standards of decency that it is demanding of Mr. Hughes and other independent producers, has forfeited the right to demand of them strict observance of the provisions of the code. And that is the reason why Mr. Hughes is now defying them.

Unlike most independent producers, Mr. Hughes, being a multi-millionaire, is able to give Eric Johnston, as head of the Motion Picture Association, a battle, and he may find that his association's do-as-I-say-not-as-I-do attitude will weigh heavily against it when Mr. Hughes presents his facts in court.

I fear that Mr. Johnston has caught a bear by the tail.

"In Fast Company" with the Bowery Boys

(Monogram, no release date set; time, 63 min.)

This second picture in the new "Bowery Boys" series is not as good as the first one; it may, however, satisfy those who find the antics of Leo Gorcey and his pals amusing, despite the commonplace script. Others may find it tiresome, for it is a rehash of the boys' typical misadventures, offering a trite plot, forced comedy situations, and considerable nonsensical action. As is usual in these pictures, one or two sequences are filled with rough-and-tumble melodramatic action that is pretty exciting although far-fetched:—

When he refuses to sell his three cabs to Douglas Fowley, manager of a large cab company, Frank Marlowe is injured in an accident engineered by Fowley. Charles D. Brown, a priest, persuades Leo Gorcey to drive one of Marlowe's cabs so that the injured man's family would still have an income. When Fowley's drivers sabotage Gorcey's efforts to get fares, Gorcey enlists the aid of his pals (Bobby Jordan, Huntz Hall, and Billy Benedict). Marjorie Woodworth, working for Fowley, lures Gorcey to an ambush, where he is beaten and his cab wrecked by hoodlums. Together with his pals, Gorcey goes to the mansion of Paul Harvey, owner of the large cab company, to appeal for mercy, but their rowdiness costs them an opportunity to state their case. Learning of the boys' experiences, Jane Randolph, Harvey's daughter, arranges for Gorcey to get her father as a fare so that he could tell him of Fowley's gangster methods to promote his company. Harvey becomes fully convinced when his own drivers attempt to wreck Gorcey's cab while he and his daughter are passengers. He joins forces with Gorcey and his pals, and, after giving Fowley and his henchmen a thrashing and sending them to jail, appoints Marlowe, the luckless independent, as manager to replace Fowley.

Edmond Seward, Tim Ryan, and Victor Hammond wrote the screen play, Jan Grippio produced it, and Del Lord directed it. The cast includes Judy Clark and others.

Unobjectionable morally.

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THE BIG-SCALE ACTIVITIES OF HARRY "POP" SHERMAN

For several years, Harry Sherman, affectionately known in Hollywood as "Pop," wanted to give up westerns and devote himself to big-scale productions. And he stayed out of production for a long time, determined to satisfy his ambition. He was not content with the classification he had been put in as a "producer of the best westerns" (Hopalong Cassidy series) and wanted to become known as the finest producer of multimillion-dollar productions. And it seems as if he is destined to become so known.

His tie-up with David Loew's and Charlie Einfeld's Enterprise Productions has been a fortunate one. His two associates, being young men, have taken the burden of running his studio off his hands, so that Harry can now devote his entire time and all his energies towards his big productions.

The first of these productions is "Ramrod," the Luke Short novel that was serialized in the *Saturday Evening Post*.

Recently I received from a friend in Hollywood the following communication regarding Harry Sherman's plans on this production:

"'Ramrod' is practically on the way. The script is fine. The script writer put absolutely the book in the script. So far, the cast includes Veronica Lake, Joel McCrea, Arleen Whelan, Don DeFore, Preston Foster and Donald Crisp. They haven't yet signed a supporting cast, but at least his leads are set. I imagine the starting date will be between the 15th and 20th of May. They haven't yet made the final decision on locations. Gene [Strong—former matinee idol and now a unit producer] flew to Colorado looking for locations. But in all probability it will be Utah—but that is only a guess.

"Harry is in the best of health, and feels happy that the principals have at least been signed. He went up to Preston Foster's ranch for the weekend.

"Preston wants me to remember him to you.

"Harry deserves every bit of the success he made in Hollywood since he left the exhibitor ranks and went into production. He is one of the most kind-hearted persons one can ever meet. Everybody in Hollywood thinks the world of him. All of his friends are looking forward to seeing him make top pictures. I know he will, for he has intelligence, brains, and has a heart as big as a mountain. . . .

"When are you coming West again?"

HARRISON'S REPORTS wishes "Pop" Sherman continued success, for no one is more deserving of it.

Through the years he has produced pictures that were, not only of good quality, but also decent and clean, let alone commercially saleable.

MORE ABOUT THEATRE COLLECTIONS

According to a report in the May 15 issue of weekly *Variety*, the matter of holding down charity collections in theatres to one a year is proving to be so "knotty" a problem that there is "a growing movement on foot to drop all plate-passing in the coming year."

The report states that the Charities Committee of the American Theatres Association is "beset by a flock of applications by charity organizations which did not heretofore slice the theatre melon," and that the problem of allocating the funds from one collection to the satisfaction of all is almost insoluble. An added problem stems from the fact that many organizations, which have not shared in national drives, are pressing for an allotment that would be within the range of what they had received from local collections.

"Local charities in many places," says *Variety*, "took a substantial part of community chest drive funds while actively supporting campaigns in their towns. Exhibitor committee members point out that a nationally directed campaign would require an army of clerks and administrators to fix and handle apportionment of funds and that when the dust settled the probabilities are that no one would be satisfied."

There is no question that one collection a year will prove as great a headache to exhibitors as will a number of collections. If an exhibitor agrees to participate in a national collection drive, he must, in order to retain the good will of local charity organizations, be given assurance that each of them will receive a share of the receipts. To accomplish this, the national drive committee will, of necessity, be compelled to employ a vast force to allocate the funds properly. But what will be the result? The exhibitor will probably find that the share given to each of the participating organizations will be far from satisfactory because, not only will there be too many fingers in the pie, but also the cost of administering the funds will be great.

The best solution is, of course, to conduct no collection at all and save a headache. But if an exhibitor feels that he must take part in at least one collection drive, he should be smart enough to confine it to local charities. Thus his efforts will gain him good will, instead of drawing brickbats.

"The Searching Wind" with Robert Young, Sylvia Sidney and Ann Richards

(Paramount, August 9; time, 118 min.)

A forceful drama. Hal Wallis is deserving of praise for the intelligent way in which he has presented Lillian Hellman's successful play about the mistakes by diplomats, whose well-meaning attitude of appeasement aided the rise of fascism and thrust the world into another disastrous conflict. And praise is due also the players for their superior performances. But the picture's appeal will be directed mainly to serious-minded audiences, who will appreciate and understand the meaningful message that the story conveys; the masses will probably find the subject matter too deep. Another drawback, as far as the masses are concerned, is the fact that the story is developed entirely by dialogue; there is very little movement. Its tale of diplomatic ineptness, as reflected through the career of an American diplomat, has considerable human interest and a few of the situations stir one deeply. The romantic interest, a triangle affair, plays an important part in the proceedings. The action covers the period between both world wars and unfolds mainly in flashback.

The story opens in 1944 at the Washington home of Robert Young, a former American ambassador. Present at dinner are Young; Ann Richards, his wife; Douglas Dick, their son, who had just returned from the war with a leg injury; Dudley Digges, Ann's father, a retired publisher; and Sylvia Sidney, a newspaperwoman, with whom Young was in love. As they dine, the radio announces the death of Mussolini, and the news recalls to the group the events of the past twenty-three years. In flashback it is shown that in 1922, Young, an attache of the U. S. Embassy in Rome, had been in love with Sylvia but she had decided not to marry him because of his failure to recognize the threat of fascism. Shortly afterwards, Young had married Ann, who had been studying music in Rome. In due time, Young had been made an ambassador and, during the rise of Hitler and Nazism, he had refused to recognize the peril and had been reluctant in reporting the true facts to Washington, despite the pleadings of Sylvia, whose path he crossed from time to time. Their love for each other had been known to Ann, but she had asked Young to wait for a divorce until their son had grown older. At the time of the Munich crisis, Young, influenced somewhat by Ann, who had sought to keep her son out of a war, had advised Washington to follow a course of appeasement. Returning to the present day, the story ends with the son's indictment of his parents as unconscious appeasers and, after informing them that his leg was to be amputated on the following day, he expresses the hope that the future generation will avoid their mistakes. The parents acknowledge their errors and, for reasons not made very clear, Sylvia decides to step out of Young's life.

Miss Hellman wrote the screen play, Hal Wallis produced it, and William Dieterle directed it. The cast includes Albert Basserman, Dan Seymour, Ian Wolfe and others.

Unobjectionable morally.

"The Man Who Dared" with George Macready and Leslie Brooks

(Columbia, May 30; time, 66 min.)

A pretty good murder melodrama. Its story about a crusading newspaperman, who "frames" himself on a murder charge to prove the weakness of circumstantial evidence, only to find that he cannot clear himself, is practically a remake of "Circumstantial Evidence," produced by Chesterfield in 1935. It has a fairly absorbing plot, and it holds one's attention throughout because it is not until the end that he proves his innocence by trapping the real murderer. The fact that he has to break out of jail to clear himself heightens the excitement. Some of the situations are far-fetched, but the solution is worked out in a logical manner:—

George Macready, a columnist noted for his crusades against murder convictions based on circumstantial evidence, is put on trial for the murder of a gangster. The state's evidence against him was purely circumstantial. While wait-

ing for the jury's verdict, Macready reveals to his attorney that he had purposely planned the charge against him. He explains that he had an appointment with the gangster but had found him dead at the meeting place, with a note beside the body stating that Arthur Space, a racketeer, had killed him. To prove his crusade against circumstantial evidence, he had arranged everything to establish his own guilt, then confided his scheme to Forrest Tucker, a friend, who had put the incriminating note in a safety deposit box. When the jury returns with a verdict of guilty, Tucker goes for the note while Macready explains his hoax to the court. On his way back to court, Tucker is kidnapped by Space, beaten, and left for dead. He is taken to the hospital by the police, who find Macready's gun on him. When ballistic experts prove that the gangster had been killed by a bullet fired from Macready's gun, the columnist is sent to prison. Macready escapes from his guard and goes to Space's home. There he obtains the racketeer's gun and compels him to accompany him to the ballistics expert, who establishes the fact that Space had switched the barrel of his gun to that of Macready's. His innocence verified, Macready is set free, satisfied that his theory had been proved.

Edward Bock wrote the screen play, Leonard S. Pickers produced it, and John Sturges directed it.

Unobjectionable morally.

"One More Tomorrow" with Ann Sheridan and Dennis Morgan

(Warner Bros., June 1; time, 88 min.)

This remake of Philip Barry's play, "The Animal Kingdom," which was first produced by RKO in 1932, is fairly good entertainment. Some changes have been made in the story to modernize it, but its theme remains substantially the same—that of a millionaire's irresponsible son who loves a poor girl but marries an avaricious socialite, only to return to his first love after his wife's true character is revealed to him. It is a good combination of human interest and comedy and, though it is a bit too talky, and somewhat far-fetched, should appeal generally. The heroine is a sympathetic character; and so is the hero, to some extent. It has considerable comedy, provoke mainly by the antics of Jack Carson as the hero's "fresh" but loyal butler:—

Ann Sheridan, photographer for a photo magazine, is assigned to do a society lay-out on a birthday party for Dennis Morgan, flighty son of wealthy Thurston Hall. Attracted to Ann, Morgan drives her home, much to the disappointment of Alexis Smith, a spoiled socialite, who sought to marry him for his money. At Ann's apartment, Morgan meets a group of her friends, who published an unsuccessful but worthy liberal magazine that exposed glaring wrongs in national and civic affairs. Morgan offers to finance the magazine and becomes its editor. He falls in love with Ann and asks her to marry him, but she declines because she felt that their different stations in life would interfere with their happiness. She goes away to forget him. In bitterness, Morgan marries Alexis, who immediately starts out to change his life by persuading him to see less of his liberal friends. Dropping by the editorial office one day, Morgan learns that the magazine was preparing to expose a large copper company for sending faulty material to the fighting forces. He approves the expose, despite his father's protest that it would ruin his monied friends. Ann, returning from her trip to accept Morgan's marriage proposal, is shocked to learn that he had married Alexis, but she goes back to work on the magazine to help him with the expose. Meanwhile Alexis, bribed by Morgan's father, persuades him to drop the expose by lying to him that his own father would be ruined. Ann, discovering Alexis' deception, berates her. Their quarrel is overheard by Carson, Morgan's butler. Learning about Alexis' double-dealing from Carson, Morgan leaves her. She goes to Reno for a divorce, clearing the way for Morgan's marriage to Ann.

Charles Hoffman and Catherine Turney wrote the screen play, and Peter Godfrey directed it. The cast includes John Loder, Jane Wyman, Reginald Gardiner and others.

Unobjectionable morally.

"O.S.S." with Alan Ladd and Geraldine Fitzgerald

(Paramount, July 26; time, 107 min.)

A thrilling espionage melodrama. It should prove a treat to followers of this type of entertainment, for without resorting to the usual claptrap found in most spy pictures this one grips the spectator from the very start and holds his attention throughout because of the interesting plot developments, the fast melodramatic action, and the fact that the main characters are constantly exposed to danger. Being the first picture to dramatize the exploits of our country's spies, agents of the Office of Strategic Services, America's top secret agency during World War II, the film lends itself to exploitation. The first part is fascinating; it shows in detail the rigid course undergone by O.S.S. trainees in order that they be proficient, not only in accomplishing their missions, but also in concealing their identities. Alan Ladd, cast in a characteristic two-fisted role, underplays the part effectively. His romance with Geraldine Fitzgerald is appealing, and though it ends on a tragic note it is convincing:—

After completing their training course as O.S.S. agents, Alan Ladd, Geraldine Fitzgerald, Don Beddoe, and Richard Benedict are sent to France as a team to work with the F.F.I. in sabotage, prior to the Allied invasion of Normandie. Their specific mission was the destruction of a key railroad tunnel. When Beddoe, their leader, is discovered and killed by the Nazis, Ladd assumes the group's leadership. At first dubious about working with a woman on such a dangerous mission, Ladd soon learns to respect Geraldine's ability when she succeeds in interesting a German colonel in her talents as a sculptress and uses her womanly wiles to induce him to take her along on a train trip to Normandie. Ladd manages to get aboard the locomotive and, as the train pulls into the tunnel, he compels the engineer to bring it to a stop. Working quickly, he spirits Geraldine out of the colonel's compartment and, before making their escape, they plant an explosive that blows the tunnel to bits. Both join a straggling stream of refugees and make their way to Paris. There, they are intercepted by Harold Vermilyea, a Gestapo agent, who agrees to help them for a lavish bribe. Vermilyea's aid enables them to remain in Paris and to pass on vital data to the Allies. Their pact with him is eventually discovered, but they manage to evade capture. They are next assigned to the Rhine to report on enemy movements and, during the course of their operations, Geraldine is apprehended by the German colonel she had duped. Ladd, communicating vital information to the Allies, finds himself faced with the choice of remaining at his post or going to Geraldine's aid. He sticks to duty, but in doing so sacrifices Geraldine's life.

Richard Maibaum wrote the screen play and produced it, and Irving Pichel directed it. The cast includes Patrick Knowles, Gavin Muir and others. Unobjectionable morally.

"Dressed to Kill" with Basil Rathbone and Nigel Bruce

(Universal, June 7; time, 72 min.)

A fairly interesting "Sherlock Holmes" mystery melodrama, but it is spoiled somewhat by plot twists that are a bit too pat. Nevertheless, it should satisfy the followers of this type of entertainment, for it is sufficiently mystifying and has a fair share of excitement and suspense. As is usual, Basil Rathbone, as "Holmes," solves the case in his typical confident but far-fetched manner, aided, of course, by Nigel Bruce, his blundering but well-intentioned friend. There is no connection between this story and the two pictures of the same title that were made by 20th Century-Fox in 1928 and 1941:—

Following the sale of three identical music boxes, made in Dartmoor Prison and auctioned off in London, two of the purchasers are murdered and their boxes stolen. Rathbone interests himself in the case and soon discovers that the tunes played by the boxes held a message indicating the hiding place of a stolen set of Bank of England plates for engraving five-pound notes. He discovers also that the

murders were the work of a gang composed of Patricia Morison, Frederick Worlock, and Harry Cording, confederates of a prisoner in Dartmoor. Rathbone manages to obtain the third music box and decodes a message from its tune indicating that the plates were hidden in the library of a Dr. "S." Meanwhile Patricia and her confederates, needing the third music box to complete the message, capture Rathbone and steal the box from Bruce, his aide, before the detective can free himself. While Rathbone and Bruce each blames himself for this turn of events, Bruce, quoting from the writings of Dr. Samuel Johnson, noted English lexicographer, unconsciously suggests to Rathbone a clue to the probable hiding place of the plates. Rathbone hurries to the memorial home of Dr. Johnson, arriving there in time to trap Patricia and her accomplices in the act of finding the plates.

Leonard Lee wrote the screen play from a story by Sir Arthur Conan Doyle, and Roy William Neill produced and directed it. Unobjectionable morally.

"Monsieur Beaucaire" with Bob Hope and Joan Caulfield

(Paramount, Aug. 30; time, 93 min.)

This burlesqued version of Booth Tarkington's "Monsieur Beaucaire" is a highly entertaining comedy-farce, played in slapstick style. The story, of course, does not make much sense, but it should go over very well with most audiences because of its hilarious complications. Bob Hope, as a bungling royal barber in the court of King Louis XV, is at his best, and those who enjoy his inimitable style of clowning will certainly get their money's worth. The mixups he gets himself into when he is compelled to masquerade as a nobleman, who sought to avoid a marriage of state, are completely ludicrous, but they are so comical that even the most hardened spectator will find it difficult to hold back his laughter. The closing scenes, where Hope engages in a sword duel, are riotously funny. The production values are lavish:—

Suffering pangs of unrequited love for Joan Caulfield, a scullery maid, who was out to catch the King's (Reginald Owen) eye, Bob Hope masquerades as the King and makes love to her, raising the Queen's ire and putting the King in "hot water." As a result, Joan is banished from France and Hope is ordered beheaded. Meanwhile the King, to avert a war with Spain, arranges a marriage of state between Patrick Knowles, a nobleman, who was the greatest swordsman in France, and Marjorie Reynolds, a Spanish princess. Knowles, to repay Hope for helping him out of a jam with the King, spirits him out of jail and takes him along on the trip to Spain, accompanied by Cecil Kellaway, the King's ambassador. En route, they come upon the carriage of the Princess just as it is attacked by a band of cutthroats, headed by Joseph Schildkraut, who was plotting to seize the Spanish throne. Knowles, with flashing sword, slays the attackers and volunteers to drive the Princess to Madrid. Both fall in love without revealing each other's identity. Hope and Kellaway continue the trip and, upon their arrival in Madrid, Kellaway, unable to explain Knowles' absence, compels Hope to assume his identity. In the meantime Schildkraut, foiled in his attempted murder of the Princess, decides that Hope must be put out of the way. To accomplish this end, he enlists the aid of Joan, who had made her way into Spain. In the course of events, Hope continually gets himself out of one jam after another as he tries to carry on the masquerade and still protect his life. Eventually, on the day of the wedding, his identity is discovered by Schildkraut, who challenges him to a duel. He is saved by the timely arrival of Knowles. It all ends with Knowles and the Princess marrying for love as well as for reasons of state, and with Joan and Hope becoming reconciled.

Melvin Frank and Norman Panama wrote the screen play, George Marshall directed it, and Paul Jones produced it. The cast includes Constance Collier, Hillary Brooke, Leonid Kinskey, Howard Freeman and others.

Unobjectionable morally.

CHICAGO CENTER OF EXHIBITOR ATTRACTION NEXT WEEK

Allied States Association is holding a board of directors meeting next week; and so is the Conference of Independent Exhibitors.

C.I.E.A. will meet on May 23, with Jesse L. Stern, of New York City, presiding. The Allied board will meet on May 24 and 25. Both meetings will take place at the Palmer House.

Mr. Abram F. Myers, Allied's counsel and chairman of the board, is very enthusiastic as to the attendance. In a bulletin dated May 13, he says partly the following:

"The intense interest of the independent exhibitors in maintaining and strengthening their organizations is shown by the heavy registrations for the Allied board meeting and the Conference of Independent Exhibitors' Associations which will be held in Chicago next week.

"Planned merely as gatherings of the representatives of the Allied and C.I.E.A. regional associations, they are fast taking on the proportions of a national convention. Excluding wives, over 40 out of town exhibitors have registered for the Allied board meeting and, excluding wives and duplications, there are 20 additional registrations for the C.I.E.A. meeting.

"These represent hotel registrations for exhibitors coming from a distance. It does not include those from Chicago and nearby territory who doubtless will attend in considerable numbers. . . ."

It is expected that several regional associations, which have not heretofore participated in C.I.E.A., will send representatives to the meeting.

According to this bulletin, film supplies and film rentals will be discussed extensively at these meetings. Steps and measures to be taken by each of the organizations for the increase of their memberships will be discussed and decided upon.

Incidentally, on the evening of Saturday, May 25, Illinois Allied will give a dinner to Jack Kirsch to honor him for having been elected president of national Allied. This dinner will be attended by about 1500 persons, including, not only exhibitors and other industryites, but also local and state dignitaries.

"Swamp Fire" with Johnny Weissmuller, Buster Crabbe and Virginia Grey (Paramount, Sept. 6; time, 69 min.)

An unimpressive plot, stilted dialogue, and uninspired direction make this program melodrama mediocre entertainment. The plot developments are so routine that the picture holds few surprises for the average spectator. Here and there it has a situation that is mildly exciting, but on the whole the action is slow-moving and dull. The only thing in its favor is the popularity of Johnny Weissmuller, whose name may mean something at the box-office, but not much can be said for his acting; it is "wooden." Nor is there anything outstanding about the performances of the other players:—

Weissmuller, a bar pilot on boats entering the Mississippi River, returns from the war with his self-confidence shattered because the ship he had commanded had been torpedoed. He finds Carol Thurston, his sweetheart, still true to him, despite the efforts of Buster Crabbe, a villainous trapper, to win her love. Virginia Grey, a wealthy vacationist in the Bayou country, sets her cap for Weissmuller, much to Carol's chagrin. Weissmuller's friends help him to regain his confidence and he resumes his work as

a pilot, but tragedy strikes when he accidentally collides with another ship, killing Carol's grandfather. Heartbroken, Weissmuller goes to New Orleans on a drunk and ends up in a hospital after being injured by an automobile. Virginia identifies him, takes him home, and cleverly prevents Carol from communicating with him, leading each to believe that the other had fallen out of love. When Weissmuller recovers, Virginia persuades her father to make him overseer of their private island, on which restrictions on hunting and trapping had been placed, depriving the local trappers of their only means of existence. Crabbe, plotting revenge on both Virginia's father and Weissmuller, sets fire to the island. In the events that follow, Carol is trapped by the flames when she attempts to warn Weissmuller, who in turn saves her life after giving Crabbe a sound thrashing. Learning the truth about Virginia's machinations, Carol and Weissmuller become reconciled.

Geoffrey Homes wrote the screen play, Pine and Thomas produced it, and William Pine directed it. The cast includes Pedro de Cordoba, Pierre Watkin and others. Unobjectionable morally.

"Larceny in Her Heart" with Hugh Beaumont and Cheryl Walker

(PRC, July 10; time, 68 min.)

This second of PRC's "Michael Shayne, Detective" series is an ordinary program murder-mystery melodrama, the sort that will serve to fill time wherever audiences are indiscriminating. It is completely lacking in originality either in story or in treatment, and for the most part is so confusing that one loses interest in the outcome, even though the mystery is not solved until the end. It lacks the suspense usually found in pictures of this type. There is some comedy, but it is pretty weak. The title has no connection with the story:—

An urgent request from Gordon Richards, a civic leader, to locate his missing stepdaughter, causes Hugh Beaumont to postpone a vacation trip with Cheryl Walker, his secretary-sweetheart. Beaumont's trouble's begin when a young girl answering the stepdaughter's description is murdered in his office. Fearful lest the police accuse him of murder, Beaumont enlists the aid of Paul Bryar, a friendly reporter, to help him hide the body. After the corpse disappears and reappears, they finally dispose of the body on Richards' lawn only to learn on the following day that it had been fished out of the bay. Beaumont finds reason to suspect Richards and makes a date with his maid to question her, but before he can keep the appointment the girl is almost strangled to death. He revives her and secures enough information to convince him that the solution of the case lay within the confines of a sanitarium operated by Douglas Fowley. Beaumont has himself committed to the sanitarium, where he locates the missing girl, held there against her will. After a series of events, he traps Richards and proves that he, in league with Fowley, had held the girl prisoner in an effort to obtain her money. He proves also that the dead girl had been hired by Richards to impersonate the stepdaughter only to be murdered by him after she had served her purpose. Having cracked the case, Beaumont and Cheryl leave on their vacation.

Raymond L. Shrock wrote the screen play, Sigmund Newfeld produced it, and Sam Newfeld directed it. The cast includes Ralph Dunn, Milton Kibbee and others. Unobjectionable morally.

HARRISON'S REPORTS

Vol. XXVIII

NEW YORK, N. Y., SATURDAY, MAY 18, 1946

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Renegades—Columbia (88 min.).....	72
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She Wrote the Book—Universal (78 min.).....	74
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Strange Conquest—Universal (63 min.).....	62
Strange Triangle—20th Century-Fox (65 min.).....	75
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Terrors on Horseback—PRC (55 min.).....	not reviewed
Thunder Town—PRC (57 min.).....	not reviewed
Truth About Murder, The—RKO (63 min.).....	64
Undercover Woman, The—Republic (56 min.).....	67
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RELEASE SCHEDULE FOR FEATURES

Columbia Features

(729 Seventh Ave., New York 19, N. Y.)

7014 Meet Me on Broadway—Reynolds-Falkenburg.	Jan. 3
7007 Tars and Spars—Blair-Drake.....	Jan. 10
7030 A Close Call for Boston Blackie—Morris.....	Jan. 24

7204 Frontier Gun Law—Charles Starrett (59m.)	Jan. 31
7028 The Notorious Lone Wolf—Mohr-Carter.....	Feb. 14
7205 Roaring Rangers—Charles Starrett (55m.)	Feb. 14
7004 Bandit of Sherwood Forest—Wilde-Louise.....	Feb. 21
7034 The Gentleman Misbehaves—Massen-Stanton (formerly "The Lady Misbehaves").....	Feb. 28
7021 Just Before Dawn—Baxter-Roberts.....	Mar. 7
7221 Throw a Saddle on a Star—Western Musical (65 m.)	Mar. 14
7008 Perilous Holiday—O'Brien-Warrick	Mar. 21
7206 Gunning for Vengeance—Charles Starrett (56 m.)	Mar. 21
7016 Talk About a Lady—Jinx Falkenburg.....	Mar. 28
7020 Blondie's Lucky Day—Singleton-Lake.....	Apr. 4
7025 Mysterious Intruder—Richard Dix.....	Apr. 11
7023 Night Editor—Gargan-Carter.....	Apr. 18
7001 Gilda—Hayworth-Ford	Apr. 25
7207 Galloping Thunder—Charles Starrett (54 m.) (re.)	Apr. 25
Phantom Thief—Chester Morris	May 2
Texas Jamboree—Musical Western (re.)	May 16
The Devil's Mask—Louise-Bannon.....	May 23
Two Fisted Stranger—Charles Starrett.....	May 30
The Man Who Dared—Brooks-Macready.....	May 30
The Walls Came Tumbling Down—Bowman- Chapman	June 7
Renegades—Keyes-Parker	June 13
Dangerous Business—Merrick-Tucker	June 20
The Return of Rusty—Donaldson-Litel.....	June 27

Metro-Goldwyn-Mayer Features

(1540 Broadway, New York 19, N. Y.)

Block 14

606 What Next, Corporal Hargrove?— Walker-Wynn	Nov. Dec.
607 She Went to the Races—Craig-Gifford.....	Nov. Dec.
608 Vacation from Marriage—Donat-Kerr.....	Nov. Dec.
610 Yolanda and the Thief—Astaire-Bremer.....	Nov. Dec.
609 They Were Expensible—Montgomery- Wayne	Nov. Dec.

Block 15

611 The Harvey Girls—Garland-Hodiak.....	Jan. Feb.
612 Portrait of Maria—Foreign cast	Jan. Feb.
613 Up Goes Maisie—Sothorn-Murphy	Jan. Feb.
614 A Letter for Evie—Hunt-Carroll.....	Jan. Feb.
615 Sailor Takes a Wife—Allyson-Walker.....	Jan. Feb.

Block 16

618 The Hoodlum Saint—Powell-Williams.....	Apr. May
619 Bad Bascomb—Beery-O'Brien	Apr. May
620 Postman Always Rings Twice—Garfield- Turner	Apr. May
621 The Last Chance—Foreign-made	Apr. May
622 Two Sisters from Boston—Durante-Allyson.	Apr. May

Specials

605 Weekend at the Waldorf—All star	Oct.
616 Adventure—Gable-Garson	Mar.
617 Ziegfeld Follies of 1946—All-star cast.....	Mar.

Monogram Features

(630 Ninth Ave., New York 19, N. Y.)

504 Black Market Babies—Morgan-Loring.....	Jan. 5
565 Border Bandits—J. M. Brown (57 m.).....	Jan. 12
516 Strange Mr. Gregory—Lowe-Rogers.....	Jan. 12
509 Live Wires—Bowery Boys	Jan. 12
528 Face of Marble—Carradine-Drake.....	Feb. 2
513 The Red Dragon—Sidney Toler.....	Feb. 2
527 The Shadow Returns—Kane-Richmond.....	Feb. 16
572 Moon Over Montana—Jimmy Wakely (54m.)	Feb. 23
566 The Haunted Mine—J. M. Brown (52 m.) (re.)	Mar. 2
507 Fear—William-Cookson	Mar. 2
503 Swing Parade of 1946—Storm-Regan.....	Mar. 16
573 West of the Alamo—Jimmy Wakely (57 m.)	Apr. 20
567 Under Arizona Skies—J. M. Brown (67 m.)	Apr. 27

Monogram Features (cont'd)

514 Junior Prom—Stewart-Preisser	May 11
529 Gay Cavalier—Roland-Ames (65 m.)	Mar. 30
519 Dark Alibi—Sidney Toler	May 25
502 Joe Palooka, Champ—Kirkwood-Errol	May 28
562 Gentleman from Texas—J. M. Brown	June 8
574 Trail to Mexico—Jimmy Wakely	June 29
Special	
Suspense—Belita-Sullivan	June 15

Paramount Features

(1501 Broadway, New York 18, N. Y.)

Block 2

4506 Hold That Blonde—Bracken-Lake	Nov. 23
4507 Stork Club—Hutton-Fitzgerald	Dec. 28
4508 People are Funny—Haley-Langford	Jan. 11
4509 Kitty—Milland-Goddard	Jan. 25

Block 3

4511 Tokyo Rose—Barr-Massen	Feb. 8
4512 Masquerade in Mexico—Lamour-DeCordova	Feb. 22
4513 Miss Susie Slagle's—Lake-Tufts	Mar. 8

Block 4

4516 The Virginian—McCrea-Donlevy	Apr. 5
4517 The Blue Dahlia—Ladd-Lake	Apr. 19
4518 They Made Me a Killer—Lowery-Britton	May 3
4519 The Well-Groomed Bride—DeHavilland-Milland	May 17

Block 5

4521 The Bride Wore Boots—Stanwyck-Cummings	May 31
4522 Our Hearts Were Growing Up—Russell-Lynn	June 14
4523 Hot Cargo—Gargan-Reed	June 28
4524 To Each His Own—Olivia De Havilland	July 5

Block 6

4526 O.S.S.—Ladd-Fitzgerald	July 26
4527 The Scarching Wind—Young-Sidney	Aug. 9
4528 Swamp Fire—Weissmuller-Crabbe	Sept. 6
4529 Strange Love of Martha Ivers—Stanwyck-Heflin	Oct. 13

Special

4531 Road to Utopia—Crosby-Hope	Mar. 22
4532 Monsieur Beaucaire—Bob Hope	Aug. 30

PRC Pictures, Inc. Features

(625 Madison Ave., New York 22, N. Y.)

Strangler of the Swamp—LaPlanche-Barrat	Jan. 1
Lightning Raiders—Buster Crabbe (66 m.)	Jan. 7
Danny Boy—Robert "Buzzy" Henry	Jan. 8
Six Gun Man—Bob Steele (59 m.)	Feb. 1
Ambush Trail—Bob Steele (60 m.)	Feb. 17
The Flying Serpent—Zucco-Kramer	Feb. 20
I Ring Doorbells—Gwynne-Shayne	Feb. 25
Romance of the West—Eddie Dean (58 m.)	Mar. 20
Gentlemen with Guns—Buster Crabbe (52m.)	Mar. 27
Mask of Dijon—Von Stroheim-Bates (re.)	Apr. 9
Murder is My Business—Beaumont-Walker	Apr. 10
Thunder Town—Bob Steele (57 m.)	Apr. 10
Devil Bat's Daughter—LaPlanche-James	Apr. 15
Caravan Trail—Eddie Dean (62 m.)	Apr. 20
Wife of Monte Cristo—Loder-Aubert	Apr. 23
Terrors on Horseback—Buster Crabbe (55m.)	May 1
Ghost of Hidden Valley—Crabbe	June 3
Avalanche—Cabot-Borg	June 20
Colorado Serenade—Eddie Dean	June 30
Larceny in Her Heart—Beaumont-Walker	July 10
Queen of Burlesque—Young-Ankers	July 24

Republic Features

(1790 Broadway, New York 19, N. Y.)

509 Gay Blades—Lane-Ashley	Jan. 25
508 A Guy Could Change—Lane-Frazee	Jan. 27
565 California Gold Rush—Elliott (56 m.)	Feb. 4
554 Days of Buffalo Bill—Carson (56 m.)	Feb. 8
510 The Madonna's Secret—Lederer-Patrick	Feb. 16
511 Crime of the Century—Bachelor-Browne	Feb. 28
447 Song of Arizona—Roy Rogers (68 m.)	Mar. 9
(1944-45)	Mar. 9
513 Strange Impersonation—Gargan-Marshall	Mar. 16
566 Sheriff of Redwood Valley—Bill Elliott	Mar. 29
512 Murder in the Music Hall—Ralston	Apr. 10
515 Undercover Woman—Livingston-Withers	Apr. 11
555 Alias Billy the Kid—Sunset Carson (56 m.)	Apr. 17
5501 Home on the Range—Hale (Magnacolor) (55 m.)	Apr. 18
514 Catman of Paris—Esmond-Aubert	Apr. 20
516 The Glass Alibi—Fowley-Gwynne	Apr. 27

448 Rainbow Over Texas—Roy Rogers (65 m.)	May 9
518 Passkey to Danger—Bachelor-Richmond	May 11
567 Sun Valley Cyclone—Bill Elliott	May 10
556 El Paso Kid—Sunset Carson	May 22
519 The French Key—Dekker-Ankers	May 18
520 Valley of the Zombies—Livingston-Booth	May 24

RKO Features

(1270 Sixth Ave., New York 20, N. Y.)

(No national release dates)

Block 3

611 The Spiral Staircase—Brent-McGuire	
612 Cornered—Dick Powell	
613 Dick Tracy—Conway-Jeffreys	
614 Sing Your Way Home—Haley-Jeffreys	
615 Hotel Reserve—English cast	

Block 4

616 From This Day Forward—Joan Fontaine	
617 Deadline at Dawn—Hayward-Lukas	
618 Tarzan and the Leopard Woman—Weissmuller	
619 A Game of Death—Loder-Long	
620 Riverboat Rhythm—Leon Errol	

Block 5

621 Without Reservations—Colbert Wayne	
622 Badman's Territory—Scott-Richards	
623 Ding Dong Williams—McGuire-Vernon	
624 The Truth About Murder—Granville-Conway	
625 Partners in Time—Lum and Abner	

Speciale

681 Along Came Jones—Cooper-Young	
651 Wonder Man—Danny Kaye	
691 Wonderful Adventures of Pinocchio—(reissue)	
661 Bells of St. Mary's—Crosby-Bergman	
682 Tomorrow is Forever—Colbert-Welles-Brent	
692 Make Mine Music—Disney	

Twentieth Century-Fox Features

(444 W. 56th St., New York 19, N. Y.)

617 Doll Face—O'Keefe-Blaine	Jan.
610 Col. Effingham's Raid—Coburn-Bennett	Feb.
620 Behind Green Lights—Landis-Gargan	Feb.
615 Shock—Price-Bari	Feb.
618 Jesse James—Reissue	Feb.
619 Return of Frank James—Reissue	Feb.
616 A Walk in the Sun—Andrews-Conte	Mar.
621 Sentimental Journey—Payne-O'Hara	Mar.
622 A Yank in London—English made	Mar.
623 Dragonwyck—Tierney-Price	Apr.
624 Johnny Comes Flying Home—Stewart-Crane	Apr.
625 The Dark Corner—Stevens-Ball	May
626 Do You Love Me?—O'Hara-Haymes-James	May
627 Rendezvous 24—Gargan-Palmer	May
628 Cluny Brown—Jones-Boyer	June
629 Somewhere in the Night—Hodiak-Guild	June
630 Strange Triangle—Foster-Hasso	June
Specials	
602 Wilson—Knox-Fitzgerald	Aug.
614 Leave Her to Heaven—Tierney-Wilde	Jan.

United Artists Features

(729 Seventh Ave., New York 19, N. Y.)

Getting Gertie's Garter—O'Keefe-McDonald	Nov. 30
Blithe Spirit—English cast	Dec. 14
Spellbound—Bergman-Peck	Dec. 28
Abilene Town—Scott-Dvorak	Jan. 11
Whistle Stop—Raft-Gardner	Jan. 25
The Outlaw—Russell-Buetel	Feb. 8
Diary of a Chambermaid—Goddard-Meredith	Feb. 15
Breakfast in Hollywood—Tom Breneman	Feb. 22
Young Widow—Russell-Hayward	Mar. 1
Johnny in the Clouds—English Cast	Mar. 15
Rebecca—Olivier-Fontaine (reissue)	Apr. 26
A Night in Casablanca—Marx Bros.	May 10

Universal Features

(1270 Sixth Ave., New York 20, N. Y.)

515 Girl on the Spot—Collier-Barker	Jan. 11
516 Because of Him—Durbin-Laughton	Jan. 18
1104 Gun Town—Grant-Knight (53 m.)	Jan. 18
517 Terror by Night—Rathbone-Bruce (re.)	Feb. 1
518 Idea Girl—Barker-Bishop	Feb. 8
519 The Seventh Veil—English cast	Feb. 15
520 Little Giant—Abbott & Costello	Feb. 22
521 Smooth As Silk—Taylor-Grey (formerly "Notorious Gentleman")	Mar. 1

522	Tangier—Montez-Paige (reset)	Mar. 8
523	The Man in Grey—English cast	Mar. 15
524	Spider Woman Strikes Back—Sondergaard-Grant	Mar. 22
525	House of Horrors—Goodwin-Lowery	Mar. 29
526	Madonna of the Seven Moons—English cast. Apr. 5	
527	Blonde Alibi—Neal-O'Driscoll	Apr. 12
528	So Goes My Love—Loy-Ameche	Apr. 19
529	Night in Paradise—Bey-Oberon	May 3
530	Strange Conquest—Wyatt-Gilmore	May 10
531	She Wolf of London—Haden-Porter	May 17
532	The Cat Creeps—Collier-Brady	May 17
533	She Wrote the Book—Davis-Oakie	May 31
534	Dressed to Kill—Rathbone-Bruce	June 7
535	The Runaround—Raines-Cameron	June 14
536	Lover Come Back—Brent-Ball	June 21
537	Inside Job—Foster-Rutherford	June 28
538	The Ghost Steps Out—Abbott & Costello	July 5

Warner Bros. Features

(321 W. 44th St., New York 18, N. Y.)

510	My Reputation—Stanwyck-Brent	Jan. 26
511	Three Strangers—Greenstreet-Lorre	Feb. 16
512	Burma Victory—Documentary	Feb. 16
513	Cinderella Jones—Leslie-Alda	Mar. 9
514	Saratoga Trunk—Bergman-Cooper	Mar. 30
515	City for Conquest—Cagney-Sheridan (reissue)	Apr. 1
516	No Time for Comedy—Stewart-Russell (reissue)	Apr. 13
517	Devotion—Lupino-De Havilland-Henreid	Apr. 20
518	Her Kind of Man—Clark-Paige-Scott	May 11
519	One More Tomorrow—Sheridan-Morgan	June 1
520	Janie Gets Married—Leslie-Hutton	June 22

SHORT SUBJECT RELEASE SCHEDULE

Columbia—One Reel

7855	Screen Snapshots No. 5 (9 m.)	Jan. 17
7655	Community Songs No. 5 (10 m.)	Jan. 17
7805	Rasslin' Romeos—Sports (9½ m.)	Jan. 24
7601	Catnipped—Flippy (7½ m.)	Feb. 14
7856	Screen Snapshots No. 6 (9½ m.)	Feb. 15
7656	Community Songs No. 6 (9 m.)	Feb. 21
7954	Three Sets of Twins—Film Vodvil (10 m.)	Feb. 28
7657	Community Songs No. 7 (10 m.)	Mar. 7
7806	Canine Champions—Sports (9½ m.)	Mar. 14
7857	Screen Snapshots No. 7 (9½ m.)	Mar. 15
7955	Art Mooney & Orch.—Film Vodvil (11 m.)	Apr. 4
7501	River Ribber—Col. Rhap. (6 m.)	Apr. 5
7752	Foxy Flatfoots—Fox & Crow (6 m.)	Apr. 11
7658	Community Songs No. 8 (8½ m.) (re.)	Apr. 11
7702	Kongo Roo—Phantasy (6 m.)	Apr. 18
7807	Timberland Athletes—Sports (8 m.)	Apr. 18
7502	Polar Playmates—Col. Rhapsody (6½ m.)	Apr. 25
7858	Screen Snapshots No. 8 (10 m.)	Apr. 25
7559	Community Songs No. 9 (10½ m.)	May 9
7753	Unsure-Runts—Color Rhapsody (7½ m.)	May 16
7859	Screen Snapshots No. 9 (11 m.)	May 23
7808	Diving Aces—Sports	May 30
7703	Snap Happy Traps—Phantasy	June 6
7660	Community Songs No. 10	June 13
7956	Dick Stabile & Orch.	June 16

(Ed. Note: "Strange Hunter," a Panoramic short, listed on the previous index as a March 21 release, has been withdrawn.)

Columbia—Two Reels

7403	Beer Barrel Polecats—Stooges (17 m.)	Jan. 10
7436	The Blonde Stayed On—Andy Clyde (16½ m.)	Jan. 24
7424	When the Wife's Away—Herbert (17 m.)	Feb. 1
7425	Hiss and Yell—Vera Vague (18 m.)	Feb. 14
7404	A Bird in the Head—Stooges (17 m.)	Feb. 28
7437	Mr. Noisy—S. Howard (16½ m.)	Mar. 22
7160	Hop Harrigan—Serial (15 chapters)	Mar. 28
7405	Uncivil War Birds—Stooges (17 m.)	Mar. 29
7438	Jiggers, My Wife—S. Howard (18 m.)	Apr. 11
7406	The Three Troubledoers—Stooges (17 m.)	Apr. 25
7426	Get Along Little Zombie—Herbert (17 m.)	May 9
7410	Ain't Love Cuckoo?—Schilling (19 m.)	June 6
7407	Monkey Businessmen—Stooges (18 m.)	June 20

Metro-Goldwyn-Mayer—One Reel

S-754	Sports Sticklers—Pete Smith (10 min.)	Jan. 5
K-775	Magic on a Stick—Pas. Par. (9 min.)	Jan. 19
S-757	Fala at Hyde Park—Pete Smith (10 m.)	Jan. 19
T-713	Land of the Mayas—Traveltalk (9 m.)	Jan. 26

S-755	Gettin' Glamour—Pete Smith (7 min.)	Feb. 2
T-714	Glimpses of Guatemala—Traveltalk (8 m.)	Feb. 9
W-734	Lonesome Lenny—Cartoon (8 m.)	Mar. 9
T-715	Visiting Vera Cruz—Traveltalk (10 m.)	Mar. 16
W-735	Springtime for Thomas—Cartoon (8 m.)	Mar. 30
T-716	Mission Trail—Traveltalk (10 m.)	Apr. 13
M-738	Musical Masterpieces—Miniature (10 m.)	Apr. 20
S-758	Studio Visit—Pete Smith (10 m.)	May 11
K-776	Our Old Car—Pass. Par. (11 m.)	May 11
S-759	Equestrian Quiz—Pete Smith (9 m.)	May 18

Metro-Goldwyn-Mayer—Two Reels

A-701	A Gun in His Hand—Special (19 m.)	Sept. 15
A-702	Purity Squad—Special (20 m.)	Nov. 3

Paramount—One Reel

J5-3	Popular Science No. 3 (10 m.)	Feb. 8
Y5-3	In the Post War Era—Speak. of Animals (9 m.)	Feb. 8
R5-5	Dixie Pointers—Spotlight (10 m.)	Feb. 8
L5-3	Unusual Occupations No. 3 (10 m.)	Feb. 22
R5-6	Rhythm on Blades—Spotlight (9 m.)	Mar. 1
E5-1	House Tricks—Popeye (6 m.)	Mar. 15
D5-1	Man's Pest Friend—Little Lulu (7 m.)	Mar. 22
R5-7	Testing the Experts—Spotlight (re.)	Mar. 29
P5-1	The Friendly Ghost—Noveltoon (7 m.)	Apr. 5
E5-2	Service with a Guile—Popeye (7 m.)	Apr. 19
J5-4	Popular Science No. 4 (10 m.)	Apr. 19
U5-3	Olio for Jasper—Puppetoon (7 m.)	Apr. 19
D5-2	Bargain Counter Attack—Little Lulu (7 m.)	May 3
Y5-4	In the Wilds—Speak. of Animals (9 m.)	May 10
R5-8	Riding the Hickories—Spotlight (9 m.)	May 17
P5-2	Cheese Burglar—Noveltoon (7 m.)	May 17
L5-4	Unusual Occupations No. 4 (10 m.) (re.)	May 24
U5-4	Together in the Weather—Puppetoon (7 m.)	May 24
E5-3	Klondike Casanova—Popeye (8 m.)	May 31
P5-3	Old MacDonald Had a Farm—Novel. (7 m.)	June 7
E5-4	Peep in the Deep—Popeye (7 m.)	June 7

Paramount—Two Reels

FF5-1	Little Witch—Musical Parade (17 m.) (re.)	Dec. 28
FF5-2	Naughty Nannette—Musical Parade (20 m.) (re.)	Mar. 15
FF5-3	College Queen—Musical Parade (19 m.) (re.)	May 17

Republic—Two Reels

581	The Phantom Rider—Serial (12 ep.)	Jan. 26
582	King of the Forest Rangers—Serial (12 ep.)	Apr. 27

RKO—One Reel

64101	Canine Patrol—Disney (7 m.)	Dec. 7
64102	Old Sequoia—Disney (7 m.)	Dec. 21
64305	Ski Master—Sportscope (8 m.)	Dec. 28
64204	Flicker Flashbacks No. 4 (8 m.)	Dec. 28
64306	Winning Basketball—Sportscope (8 m.)	Jan. 25
64205	Flicker Flashbacks No. 5 (7 m.)	Feb. 1
64307	Quarter Horses—Sportscope (8 m.)	Feb. 22
64103	A Knight for a Day—Disney (7 m.)	Mar. 8
64206	Flicker Flashbacks No. 6 (7 m.)	Mar. 8
64308	Black Ducks & Broad Bills—Sportscope (8 m.)	Mar. 22
64207	Flicker Flashbacks No. 7 (7 m.)	Apr. 12
64104	Pluto's Kid Brother—Disney (7 m.)	Apr. 12

RKO—Two Reels

63402	Mother-in-Law's Day—Ed. Kennedy (18m.)	Dec. 7
63102	TVA—This is America (18 m.)	Dec. 14
63103	Great Lakes—This is Amer. (16 m.)	Jan. 11
63504	Rhythm Wranglers—Western Musical (reissue) (19 m.)	Jan. 18
63203	Twenty Girls and a Band—Head. Rev. (18m.)	Jan. 18
63403	Trouble or Nothing—Ed. Kennedy (18 m.)	Jan. 25
63702	Maid Trouble—Leon Errol (18 m.)	Feb. 2
63104	Report on Japan—This is Amer. (19 m.)	Feb. 8
63703	Oh, Professor Behave—Leon Errol (18 m.)	Mar. 1
63105	Street of Shadows—This is Amer. (18 m.)	Mar. 8
63204	Sea Melody—Head. Rev. (19 m.)	Mar. 15
63106	Two Million Rooms—This is America (16 m.)	Apr. 5

Twentieth Century-Fox—One Reel

6509	The Talking Magpies—Terrytoon (7 m.)	Jan. 4
6257	The Lost Lake—Adventure (8 m.)	Jan. 11
6510	Svengali's Cat-Mighty Mouse—Terrytoon (7 m.)	Jan. 18
6401	The World Today—Special (9 m.)	Jan. 25

Twentieth Century-Fox—One Reel

- 6301 Pins and Cushions—Sports (9 min.)Feb. 1
 6511 Gandy Goose in Fortune Hunters—Terry.
 (7 m.)Feb. 8
 6258 Along the Rainbow Trail—Adventure (8m.) ..Feb. 15
 6512 Mighty Mouse in The Wicked Wolf—Terry.
 (7 m.)Mar. 8
 6353 Diving Dandies—Sports (8 m.)Mar. 15
 6513 Mighty Mouse in My Old Kentucky Home—
 Terrytoon (7 m.)Mar. 29
 6201 Show Girls—Vyvyan Donner (10 m.)Apr. 5
 6514 Gandy Goose in It's All in the Stars—Terry.
 (7 m.)Apr. 12
 6259 Cradle of Liberty—Adventure (8 m.)Apr. 26
 6515 Mighty Mouse in Throwing the Bull—Terry.
 (7 m.)May 3
 6354 Sea Sirens—SportsMay 10
 6516 Mighty Mouse in The Trojan Horse—Terry..May 24
 6517 Dinky Finds a Horse—TerrytoonJune 7
 6355 Golden Horses—SportsJune 21
 6518 Mighty Mouse in The Johnston Flood—Terry..June 28
 6260 Across the Great Divide—AdventureJuly 5
 6519 Gandy Goose in Peacetime Football—Terry..July 19
 6520 Gandy Goose in The Golden Hen—Terry...July 26

Twentieth Century-Fox—Two Reels

- Vol. 12 No. 5—Challenge to Hollywood—
 March of Time (18 m.)Dec. 28
 Vol. 12 No. 6—Life with Baby—
 March of Time (21 m.)Jan. 25
 Vol. 12 No. 7—Report on Greece—
 March of Time (19 m.)Feb. 26
 Vol. 12 No. 8—Night Club Boom—
 March of Time (21 m.)Mar. 22
 Vol. 12 No. 9—Wanted—More Houses—
 March of Time (20 m.)Apr. 19

United Artists—One Reel

- The Flying Jeep—Daffy Dittys (7½ m.)Aug. 20
 The Lady Said No—Daffy Dittys (8 m.)Apr. 26

Universal—One Reel

- 1381 Sing and be Happy—Musical (10 m.)Feb. 18
 1322 Poet and Peasant—Cartune (7 m.)Mar. 18
 1366 Maestro of the Comics—Per. Odd. (9 m.) ..Mar. 18
 1346 Script Tease—Variety Views (9 m.)Mar. 25
 1347 Dog Tale—Variety Views (9 m.)Mar. 25
 1367 Wings of Courage—Per. Odd. (9 m.)Mar. 25
 1348 Chimp on the Loose—Var. Views (9 m.)Apr. 1
 1323 Mousie Come Home—Cartune (7 m.)Apr. 15
 1368 Cartune Crusader—Per. Odd. (9 m.)Apr. 1
 1324 Apple Andy—Cartune (7 m.)May 20
 1382 Merrily We Sing—Musical (10 m.)May 27
 1369 Scientifically Strong—Per. Odd. (9 m.)June 10
 1325 Who's Cooking Who—Cartune (7 m.)June 24

Universal—Two Reels

- 1304 Cuban Madness—Carlos Molina—Musical
 (15 m.)Jan. 2
 1305 Tin Pan Alley Tempos—Phil Ohman—Musical
 (15 m.)Jan. 9
 1306 Melody Stampede—Spade Cooley—Musical
 (15 m.)Jan. 16
 1781-1793 The Scarlet Horseman—Serial (13 ep.) ..Jan. 22
 1307 Swing High Swing Sweet—Jan Savitt—Musical
 (15 m.)Feb. 20
 1203 Roosevelt—Man of Destiny—Special (8 m.) ..Apr. 10
 1881-1893 Lost City of the Jungle—Serial
 (13 ep.)Apr. 23
 1308 Takin' the Breaks—Russ Morgan—Musical
 (15 m.)May 22
 1309 Banquet of Melody—Matty Malnick—Musical
 (15 m.)May 29
 1310 Swinging Down the Scale—Musical (15m.) ..June 26

Vitaphone—One Reel

- 2303 Good Egg—Hit Parade (7 m.)Jan. 5
 2802 In Old Sante Fe—Adventure (10 m.)Jan. 12
 2405 Peaks at Hollywood—Varieties (10 m.)Jan. 26
 2605 Headline Bands—Mel. Mas. (10 m.)Jan. 26
 2502 Holiday on Horseback—Sports (10 m.)Feb. 2
 2304 Trial of Mr. Wolf—Hit Parade (7 m.)Feb. 9
 2503 Michigan Ski-Daddle—Sports (10 m.)Feb. 9
 2606 Jan Savitt & Band—Mel. Mas. (10 m.)Mar. 16
 2504 With Rod & Gun in Canada—Sports (10 m.) ..Mar. 16
 2305 Little Lion Hunter—Cartoon (7 m.)Mar. 23
 2505 Snow Eagles—Sports (10 m.)Mar. 30

- 2803 All Aboard—Adventure (10 m.)Mar. 30
 2506 Let's Go Gunning—Sports (10 m.)Apr. 6
 2306 Fresh Fish—Cartoon (7 m.)Apr. 6
 2607 Rhythm on Ice—Mel. Master (10 m.)Apr. 20
 2307 Daffy Duck & Egghead—Cartoon (7 m.)Apr. 20
 2507 Fin'n Feathers—Sports (10 m.)Apr. 27
 2406 Smart As a Fox—Varieties (10 m.)Apr. 27
 2308 Katnip College—Cartoon (7 m.)May 4
 2608 Dixieland Jamboree—Mel. Master (10 m.) ..May 11
 2510 Facing Your Danger—Sports (10 m.)May 11
 2508 Undersea Spear Fishing—Sports (10 m.)May 18
 2309 Night Watchman—Cartoon (7 m.)May 18
 2721 Hair Raising Hare—Cartoon (7 m.)May 25
 2805 Girls & Flowers—Adventure (10 m.)May 25
 2701 Kitty Kornered—Looney Tune (7 m.)June 8
 2310 Little Brother Rat—Cartoon (7 m.)June 8
 2702 Hollywood Daffy—Merrie Mel. (7 m.)June 22
 2311 Johnny Smith & Poker Huntas—Cartoon
 (7 m.)June 22
 2722 Acrobabby Bunny—Bugs Bunny (7 m.)June 29
 2509 The Riding Hannefords—Sports (10 m.)June 29

Vitaphone—Two Reels

- 2001 Frontier Days—Special (20 m.)Dec. 28
 2106 Hitler Lives?—Featurette (20 m.)Dec. 29
 2002 Forest Commandos—Special (20 m.)Jan. 19
 2105 Musical Shipmates—Featurette (20 m.)Feb. 16
 2003 Movieland Magic—Special (20 m.)Mar. 9
 2004 Gem of the Ocean—Special (20 m.)Apr. 13
 2005 South of Monterey—Special (20 m.)June 1
 2006 Hawaiian Memories—Special (20 m.)June 15

**NEWSWEEKLY
 NEW YORK
 RELEASE DATES**

Pathe News

- 65177 Sat. (O) ..May 18
 65278 Wed. (E) ..May 22
 65179 Sat. (O) ..May 25
 65280 Wed. (E) ..May 29
 65181 Sat. (O) ..June 1
 65282 Wed. (E) ..June 5
 65183 Sat. (O) ..June 8
 65284 Wed. (E) ..June 12
 65185 Sat. (O) ..June 15
 65286 Wed. (E) ..June 19
 65187 Sat. (O) ..June 22
 65288 Wed. (E) ..June 26
 65189 Sat. (O) ..June 29
 65290 Wed. (E) ..July 3
 65191 Sat. (O) ..July 7

Universal

- 502 Thurs. (E) ...May 16
 503 Tues. (O) ...May 21
 504 Thurs. (E) ...May 23
 505 Tues. (O) ...May 28
 506 Thurs. (E) ...May 30
 507 Tues. (O) ...June 4
 508 Thurs. (E) ...June 6
 509 Tues. (O) ...June 11
 510 Thurs. (E) ...June 13
 511 Tues. (O) ...June 18
 512 Thurs. (E) ...June 20
 513 Tues. (O) ...June 25
 514 Thurs. (E) ...June 27
 515 Tues. (O) ...July 2
 516 Thurs. (E) ...July 4

Paramount News

- 74 Thurs. (E) ...May 16
 75 Sunday (O) ...May 19
 76 Thurs. (E) ...May 23
 77 Sunday (O) ...May 26
 78 Thurs. (E) ...May 30
 79 Sunday (O) ...June 2
 80 Thurs. (E) ...June 6
 81 Sunday (O) ...June 9
 82 Thurs. (E) ...June 13
 83 Sunday (O) ...June 16
 84 Thurs. (E) ...June 20
 85 Sunday (O) ...June 23
 86 Thurs. (E) ...June 27
 87 Sunday (O) ...June 30
 88 Thurs. (E) ...July 4

Fox Movietone

- 74 Thurs. (E) ...May 16
 75 Tues. (O) ...May 21
 76 Thurs. (E) ...May 23
 77 Tues. (O) ...May 28
 78 Thurs. (E) ...May 30
 79 Tues. (E) ...June 4
 80 Thurs. (E) ...June 6
 81 Tues. (O) ...June 11
 82 Thurs. (E) ...June 13
 83 Tues. (O) ...June 18
 84 Thurs. (E) ...June 20
 85 Tues. (O) ...June 25
 86 Thurs. (E) ...June 27
 87 Tues. (O) ...July 2
 88 Thurs. (E) ...July 4

News of the Day

- 272 Thurs. (E) ...May 16
 273 Tues. (O) ...May 21
 274 Thurs. (E) ...May 23
 275 Tues. (O) ...May 28
 276 Thurs. (E) ...May 30
 277 Tues. (O) ...June 4
 278 Thurs. (E) ...June 6
 279 Tues. (O) ...June 11
 280 Thurs. (E) ...June 13
 281 Tues. (O) ...June 18
 282 Thurs. (E) ...June 20
 283 Tues. (O) ...June 25
 284 Thurs. (E) ...June 27
 285 Tues. (O) ...July 2
 286 Thurs. (E) ...July 4

All American News

- 186 FridayMay 17
 187 FridayMay 24
 188 FridayMay 31
 189 FridayJune 7
 190 FridayJune 14
 191 FridayJune 21
 192 FridayJune 28
 193 FridayJuly 5

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SATURDAY, MAY 25, 1946

No. 21

THE SERIOUS CASE OF REMAKES

From an exhibitor who wishes that his name be kept out of this editorial I have received the following letter:

"In the last few years it seems that quite a number of pictures have been produced by Universal based on stories that were made into pictures before. As a matter of fact, it was my patrons who called my attention to it several times. They insisted that they had seen the pictures before, and I thought they were mistaken.

"But the other day I saw 'Strange Conquest' in a Universal projection room and I knew that I had seen the story before, so when I returned to my office I began a search of my records and discovered that it was the same picture as 'The Crime of Dr. Hallet,' which Universal produced and released in 1938, with Ralph Bellamy, Josephine Hutchinson and William Gargan. You will find the review in the March 26, 1938 issue of your paper.

"With your ability to dig into these things more thoroughly than I can because of your training, will you look into this case and at the same time try to find out how many other remakes Universal has sold us lately and take the right steps to stop this unethical practice? I say unethical because Universal says nothing about remakes when it sells us the program, and when I show those pictures my patrons complain that I am showing reissues without advertising that they are reissues."

Since receiving this letter I looked into the matter and found that this exhibitor is right: "Strange Conquest" is a remake of "The Crime of Dr. Hallet."

For the purpose of presenting facts and not mere theories, I take the liberty of reproducing the synopsis of the story of "The Crime of Dr. Hallet," as it appeared in HARRISON'S REPORTS. Thus, by reading the synopsis of "Strange Conquest," which appeared in the April 20, 1946 issue, and by comparing it with the synopsis of the aforementioned picture, you will be able to determine for yourself whether the two pictures have been founded on the same story (different actors, of course, act the parts, but the facts are the same with the exception of some minor changes in "Strange Conquest"):

"THE CRIME OF DR. HALLET"

"Bellamy and his assistant (William Gargan), overworked and despondent because of their failure to discover a serum for the cure of red fever, are delighted when they receive word that another doctor was to be sent to assist them. But when the doctor (John King) arrives, they are disappointed, for he was a young man. They give him menial work to do and refuse to discuss with him their research work. King, working on his own, discovers the cure, which he writes up in his diary. Just as he was going to disclose his findings to Bellamy, Bellamy himself hits

on what he thought was a cure. King injects himself with the fever germ to permit Bellamy to test his cure. But it does not work, and King dies. Bellamy finds King's notes. Feeling miserable because he had not shown confidence in King, he decides to do something to bring King's name to the public. He posts a notice of his own death and, assuming King's name, continues the work on his discovery, using King's money. Josephine Hutchinson, a competent doctor, arrives as the new assistant. Just when things were going along well, King's wife (Barbara Read) arrives and discovers the deception. She accuses Bellamy of having killed her husband, and informs him she would prosecute him. But she is taken ill with the fever. Gargan, by appealing to her vanity, convinces her that if she were to take Bellamy back for trial she would only be giving him publicity, whereas, if she went home alone, with the record of her husband's discovery, she would become famous. Everyone is happy when she finally sails. Bellamy and Miss Hutchinson, who had fallen in love with each other, look forward to a useful life together."

In "The Crime of Dr. Hallet," Carl Dreher is given as the author of the story, and Lester Cole and Brown Holmes as the screen-play writers; in "Strange Conquest," Carl Dreher and Lester Cole are given as the authors, and Roy Chanslor as the screen-play writer.

My discovery as a result of this exhibitor's letter whetted my appetite and I began refreshing my memory by looking into other stories for the possibility that they, too, may be remakes. And I discovered that Universal's "Hi' Beautiful," reviewed in the November 18, 1944 issue of HARRISON'S REPORTS, is the same picture as "Love in a Bungalow," released by Universal in 1937, and reviewed in this paper on July 10 of that year. As a matter of fact, the authors are the same in both pictures—Eleanore Griffin and William Rankin. There are, of course, some changes in the details of "Hi' Beautiful," but the plot is the same.

Here are a few other cases of Universal remakes:

"Murder in the Blue Room," reviewed in the October 28, 1944 issue, is the same as "The Missing Guest," reviewed in the August 27, 1938 issue, and again the same as "Secret of the Blue Room," reviewed in the July 22, 1933 issue. Some of the details are, of course, slightly different, but the plots are the same (the murders take place in the "blue room"); and so is the name of the author in all three pictures—Erich Philippi.

"Strange Confession," reviewed in the November 17, 1945 issue, is the same story as "The Man Who Reclaimed His Head," reviewed in the December 29, 1934 issue. Again the details are different, but the plot is the same. And the story in both pictures is

(Continued on last page)

**"Specter of the Rose" with Ivan Kirov,
Viola Essen, Judith Anderson
and Michael Chekhov**

(Republic, no release date set; time, 90 min.)

This tragedy may be a treat for adult patrons who enjoy pictures that are "arty" and off the beaten path. But it is not entertainment for the masses, for, although there is human interest in the story, it is too wordy, somewhat depressing, and even harrowing for them. Set against a background of ballet dancing, the story deals with a ballerina's love for a half-crazed ballet dancer, who suffers intervals of homicidal madness. It has considerable suspense due to the anxiety one feels over the welfare of the ballerina, whose life is constantly in danger. Ivan Kirov and Viola Essen, newcomers to the screen, perform exceptionally well in the leading roles, and the gracefulness with which they execute their dancing chores should prove a delight to the admirers of classical dancing. The Bohemian-like characterizations of some of the other players, particularly Michael Chekhov, as a ballet impresario, are somewhat exaggerated, and the dialogue they speak is at times quite meaningless. The music and photography are excellent, but all in all it is the sort of picture that will appeal to a select audience:—

In spite of the fact that Kirov was suspected by the police of having murdered his first wife, Viola, deeply in love with him, marries him. Judith Anderson, a famous but aged ballet teacher, with whom Viola studied, warns her to leave Kirov lest he murder her during one of his fleeting intervals of madness, in which he suffered hallucinations—watching his evil self dancing wildly in a ballet costume and wielding a murderous knife. Viola ignores the warning, determined that her devotion to him and his own will to remain sane shall overcome his temporary fits of madness. Both become the stars of Chekhov's ballet troupe, and Kirov is hailed throughout the country as another Nijinsky, despite his recurring moments of madness, during which he makes several unconscious attempts on Viola's life. On the eve of the troupe's final performance, Kirov becomes hopelessly mad. Viola, to keep him from being put in an insane asylum, hides him in an obscure hotel. There, while Viola falls into a deep sleep from exhaustion, Kirov goes into one of his mad dance routines that ends with a leap through a window, twenty stories above the street.

Ben Hecht wrote, produced, and directed the screenplay. The cast includes Lionel Stander and others.

Adult entertainment.

**"The Walls Came Tumbling Down" with
Lee Bowman and Marguerite Chapman**

(Columbia, June 7; time, 82 min.)

A pretty good program murder-mystery melodrama. The followers of stories of this type should enjoy it, for the solution is not disclosed until the end. The story is somewhat involved, but it moves at a pretty swift pace, has competent performances, and is worked out logically at the conclusion. There is a good sprinkling of comedy to relieve the tension, and fair romantic interest. A few fist fights heighten the excitement. On occasion, the dialogue is rather sophisticated:—

When his old friend, a rector, is found dead, Lee Bowman, a columnist, suspects that he had been murdered; he had learned that the dead man had been concerned over an affair involving two bibles and a missing painting. Bowman meets Marguerite Chapman, who had come to the rectory to visit the priest, and when she refuses to reveal her identity he enlists the aid of newspaper friends to check up on her background. Meanwhile he is visited by George Macready, a fake missionary, who gives him \$1000 to find and hand over the bibles within three days. Next, he is visited by J. Edward Bromberg, who, too, offers to pay him for the bibles. Bowman eventually learns that Marguerite came from a wealthy Boston family, and when he confronts her she explains that her grandfather had been an art collector, and that, twenty-five years previously, he

had died in the rector's home. She explains also that her grandfather had left two bibles containing a code that indicated the hiding place of the missing painting, a priceless work; that Bromberg was her agent; and that she kept her identity a secret to prevent a criminal ring from obtaining the painting. Shortly afterwards, the rector's elderly sister is murdered, and one of the bibles, which she had in her possession, is stolen. Bowman follows up a maze of clues and discovers the second bible hidden in the grave of Marguerite's grandfather. Efforts are made to relieve him of the bible and, after a series of adventures, in which Bromberg, too, is found murdered, Bowman succeeds in trapping Macready and Edgar Buchanan, a crooked lawyer, as the killers. With the second bible obtained from the crooks, Bowman completes the code and finds the painting hidden in the walls of the rectory. He and Marguerite decide to wed.

Wilfrid H. Pettitt wrote the screen play from the novel by Jo Eisinger, Albert J. Cohen produced it, and Lothar Mendes directed it. The cast includes Lee Patrick, Jonathan Hale and others. Unobjectionable morally.

**"It Shouldn't Happen to a Dog" with
Carole Landis and Allyn Joslyn**

(20th Century-Fox, July; time, 70 min.)

A very entertaining comedy-melodrama; it is better than average program fare. Its story about a reporter's troubles with his editor is lightweight, but the action is so fast and comical and the situations so well conceived that one is kept chuckling from start to finish. Allyn Joslyn, as the reporter, is excellent. His adventures with a war dog, with whom he becomes involved after mistaking him for an accomplice in a holdup, provide the film with many hilarious laughs; as a matter of fact, there is hardly a dull moment. Incidentally, the dog, a Doberman pinscher, draws as many laughs as the players. Nonsensical though it is, there is no doubt that most patrons will enjoy the picture and will recommend it to their friends:—

Tired of his assignment as science editor, Joslyn, to get back his old job as crime reporter, determines to impress his editor by tracking down the missing witness of a government case against a black market racketeer. He joins John Alexander, a policeman off duty, at a cocktail bar, and as both have their drinks Carole Landis enters with her dog, a war hero, and asks Ralph Sanford, the bartender, for some bones. Just as Carole leaves the lights go out and, by the time they are put on again, Sanford discovers \$70 missing from his cash box. Joslyn, seeing news value in the story, telephones his editor that an unidentified blonde, aided by a dog, had committed the robbery. Returning to the bar, Joslyn learns from Alexander that he had taken the money himself as a gag. Unable to retract the story, Joslyn, to keep out of trouble with his editor, compels Alexander to report the "robbery" to his sergeant. He then traces Carole to her apartment and manages to kidnap the dog so that both would not be seen together by the police, thus exposing his story as a fake. Later, he hands over the dog to one of the racketeer's henchmen, who had threatened him to "lay off" the search for the missing witness. Meanwhile Carole tracks down Joslyn and, revealing herself as a policewoman, demands the return of her dog. Joslyn, frantic lest his editor learn the truth, confesses his predicament to Carole. And when he learns that she, too, was looking for the missing witness, he appeases her by offering to help. Both set out on the trail of the witness and become involved in a series of incidents that culminates with their locating the witness only to find themselves trapped by the racketeer and his henchmen, who prepare to dispose of them. They are rescued, however, by the timely arrival of the dog, who employs his war training to disarm and cow the villains.

Eugene Ling and Frank Gabrielson wrote the screen play from a story by Edwin Lanham, William Girard produced it, and Herbert I. Leeds directed it. The cast includes Henry Morgan, Margo Woods, Reed Hadley and others.

Unobjectionable morally.

"Passkey to Danger" with Kane Richmond and Stephanie Bachelor

(Republic, May 11; time, 58 min.)

An entertaining program melodrama; it is fast-moving and exciting, and has a fair share of romance and comedy. In spite of the fact that the story is somewhat far-fetched, it is developed in an interesting way. The hero, an advertising executive, is a likeable character, and his display of courage in the face of danger wins the spectator's admiration. The closing scenes, where the criminals threaten to kill him, hold one in suspense. A rousing fight at the finish, after the capture of the criminals, comes as an anti-climax, but it should thrill the action fans:—

Kane Richmond dreams up an advertising "teaser" campaign asking the reader to solve the secret of the "Three Springs," and sells the idea to Gerald Mohr, owner of a dress firm, who agrees to pay him \$50,000 upon delivery of the final advertisement of the series, the one that contained the solution. Actually, the solution had to do with new creations to be worn at Palm Springs, Saratoga Springs and Colorado Springs. Mohr, unaware of the solution demands a copy of the final ad immediately, but Richmond, in accordance with his contract, refuses to show it to him. Shortly afterwards, Richmond finds himself accosted by mysterious persons demanding that he reveal the solution. One of them, Fred Graham, a sadistic fellow, resorts to violence. Richmond soon finds himself implicated in several murders and determines to get to the bottom of the commotion started by his campaign. With the aid of Tom London, a private detective, he learns that, years previously, three brothers named "Spring" had been convicted for embezzling millions of dollars. All had escaped from jail and had assumed different names, and they were now after Richmond because they believed that the solution to his advertising campaign held their secret. He learns also that Graham was leader of a blackmail ring, who sought to obtain the solution from him to use against the brothers. Unknown to Richmond, Mohr was one of the brothers. In the course of events, Richmond, aided by London, lures the brothers and the blackmailer to one place, where all are apprehended by the police.

O'Leta Rhinehart and William Hagens wrote the original screen play, William J. O'Sullivan produced it, and Lesley Selander directed it. The cast includes Adele Mara, John Eldredge and others.

Unobjectionable morally.

"Don't Gamble with Strangers" with Kane Richmond and Bernadene Hayes

(Monogram, no release date set; time, 68 min.)

Although it is hampered by a weak story, this racketeer-type melodrama should give satisfaction wherever patrons are not too exacting in their demands. It is, however, an unpleasant entertainment, for the whole picture is made up of the cold and ruthless actions of the hero, who exhibits not one decent trait. Nor do any of the other characters win sympathy, for their actions, too, are not worthwhile. Moreover, the story conveys no moral since the death of the hero is not brought about by means of law and order, but by another racketeer, whom he had doublecrossed. Towards the finish, the story turns into a murder mystery that is solved in a most unbelievable way:—

Kane Richmond, a crooked gambler, and Bernadene Hayes, an adventuress, become partners after meeting on a luxury liner on which they were fleeing passengers. While traveling on a train, Bernadene and Richmond, posing as sister and brother, ingratiate themselves with Frank Dae, a well-to-do, middle-aged man, and accept his invitation to stop off at his home town, which was also the place where Richmond's brother (Bill Kennedy) was in prison for embezzling funds from Charles Trowbridge's bank to pay gambling losses to Phil Van Zandt. Richmond visits his brother in jail and persuades him to reveal the hiding place of the stolen funds on the pretense that he would use the money to care for his (Kennedy's) wife and child. Richmond uses the money to start gambling in town and, by

shady methods, gets control of Van Zandt's gambling casino. While his fortunes rise, Richmond decides to go for higher stakes in the person of Gloria Warren, wealthy heiress and niece of banker Trowbridge, with whom assistant district attorney Peter Cookson, Dae's son, was in love. When the romance almost culminates in an elopement, Bernadene, jealous, exposes Richmond's crooked gambling methods to Cookson. But before Richmond can be arrested he is shot dead mysteriously. Bernadene, Gloria, Cookson, Dae, and Richmond's brother are held as suspects since each had a motive to commit the crime, but at the last moment it is discovered that Van Zandt had fired the fatal shot. Bernadene is sent to jail for her part in the gambling racket, and Gloria and Cookson are reunited.

Caryl Coleman and Harvey Gates wrote the screen play, Jeffrey Bernerd produced it, and William Beaudine directed it.

Adult entertainment.

"The Stranger" with Loretta Young, Edward G. Robinson and Orson Welles

(RKO, no release date set; time, 94 min.) --

This melodrama, revolving around the tracking down of a Nazi war criminal posing as a professor in a New England college, is not a cheerful entertainment, but it is intensely gripping. The settings, the skillful direction, and the competent performances have succeeded in making the action realistic in the extreme. There are situations in which one is held in high suspense and, in some of them, a sense of doom, of impending death, prevails. Since Orson Welles, as the professor, is known to be an impostor, the spectator's interest lies in the manner in which Edward G. Robinson, as an agent of the allied crimes commission, hunts him down and traps him into admitting his identity. One's interest is intensified by the fact that Robinson, in trapping Welles, is faced with the problem of protecting the life of Welles' unsuspecting American bride. The climax, in which Welles is stabbed to death by a mechanical figure on a church clock, will make your audience gasp:—

In a determined effort to find Welles, who had escaped from Germany without leaving any clue by which he could be identified, Robinson permits Welles' assistant, Konstantine Shayne, to "escape." He follows Shayne across the Atlantic to a small Connecticut town. There Shayne, aware that he was being trailed, knocks Robinson unconscious and believes him to be dead. He hurries to Welles to warn him of the determined search being made for him. Welles, upset lest Shayne's presence unmasks him, kills his former aide and buries the body in the woods. Meanwhile Robinson recovers consciousness and discovers Shayne's disappearance. Through a local shopkeeper he learns the names of the town's newcomers and soon finds reason to suspect Welles of being his man, but in the absence of legal proof he decides to play a waiting game. Welles, newly married to Loretta Young, daughter of a local judge, is compelled to poison Loretta's pet dog when the animal discovers Shayne's grave. The dog's death leads Robinson to the discovery of Shayne's body, and Welles, aware that Loretta had known of his meeting with Shayne, confides to her that he had murdered the man because he had tried to blackmail him in connection with a love affair. He thus wins Loretta's promise not to reveal that he and Shayne had met. In the meantime, Robinson takes Loretta's father and brother into his confidence, and the three of them try to convince her that Welles was a vicious criminal and that it was her duty to help bring him to justice. Welles, realizing that Loretta had lost faith in him, cold-bloodedly plans to kill her, but Robinson's alertness foils his scheme. He goes into hiding in the clock tower of a church, where Robinson corners him. In the ensuing struggle, Welles is stabbed to death, the victim of a freak accident caused by the clock's mechanism.

Anthony Veiller wrote the screen play from a story by Victor Trivas and Decla Dulling. S. P. Eagle produced it, and Mr. Welles directed it. The cast includes Philip Merivale, Richard Long, Billy House and others. Adult entertainment.

again credited to the same author—playwright Jean Bart.

"The Climax," reviewed in the September 30, 1944 issue, is the same as the picture of the same title reviewed in the February 22, 1930 issue. Details different; plot the same. In both pictures the Edward Locke play is the foundation.

"The Great Impersonation," reviewed in the December 19, 1942 issue, was founded on a story by the same author as a story of a picture under the same title, reviewed in the December 14, 1935 issue, with this difference—the story in the 1942 version was so changed that it cannot really be said that it is a remake, except that there is no excuse why it should have been made a second time, for the first version was no more than fair and the second version was no better. The author in the two stories is the same—E. Phillips Oppenheim.

"Smooth as Silk," reviewed in the March 9, 1946 issue, is a remake of "Notorious Gentleman." In both pictures, Florence Ryerson and Colin Clements are the accredited authors. Neither version was anything to brag about.

These are a few of the cases that I investigated. There are, no doubt, more of them—enough to convince you that Universal should abandon the remakes and spend some money on fresh story material. After all, the brains of the Hollywood writers have not run dry!

While investigating the Universal remakes, I came upon a strange case of another picture, which in my opinion, is a remake—"The Man Who Dared," produced by Columbia.

For the purpose of letting you make comparisons, I am reproducing the synopsis of the story, which appeared in last week's issue:

"THE MAN WHO DARED"

"George Macready, a columnist noted for his crusades against murder convictions based on circumstantial evidence, is put on trial for the murder of a gangster. The state's evidence against him was purely circumstantial. While waiting for the jury's verdict, Macready reveals to his attorney that he had purposely planned the charge against him. He explains that he had an appointment with the gangster but had found him dead at the meeting place, with a note beside the body stating that Arthur Space, a racketeer, had killed him. To prove his crusade against circumstantial evidence, he had arranged everything to establish his own guilt, then confided his scheme to Forrest Tucker, a friend, who had put the incriminating note in a safety deposit box. When the jury returns with a verdict of guilty, Tucker goes for the note while Macready explains his hoax to the court. On his way back to court, Tucker is kidnapped by Space, beaten, and left for dead. He is taken to the hospital by the police, who find Macready's gun on him. When ballistic experts prove that the gangster had been killed by a bullet fired from Macready's gun, the columnist is sent to prison, Macready escapes from his guard and goes to Space's home. There he obtains the racketeer's gun and compels him to accompany him to the ballistics expert, who establishes the fact that Space had switched the barrel of his gun to that of Macready's. His innocence verified, Macready is set free, satisfied that his theory had been proved."

Now read the synopsis that was printed in my review of the Chesterfield picture, "Circumstantial Evidence," which appeared in the May 11, 1935 issue:

"CIRCUMSTANTIAL EVIDENCE"

"Chandler, a newspaper reporter, does not believe in sentencing any one to death on circumstantial evidence only. In order to prove how wrong such a system is he arranges with a co-worker and friend, Arthur Vinton, to quarrel in public over Miss Grey, so that Chandler might threaten Vinton. After this Vinton is to set fire to his house, leaving a skeleton there to burn, and evidence pointing to Chandler; Vinton is then to disappear and Chandler would be arrested. At the trial, Vinton would reappear. Everything works well up to the point where Vinton sets fire to the house. Just as he is to leave some one shoots him and he dies. Chandler is arrested and sentenced to die in the electric chair. He is saved eventually when Claude King, the owner of the newspaper, confesses that he had murdered Vinton when he found out that his wife and Vinton had been lovers."

Columbia gave credit to Maxwell Shane and Alex Gottlieb as the authors of "The Man Who Dared," whereas my records show that Tom Terris was the author of "Circumstantial Evidence," the Chesterfield picture.

This seems to be a case for the Screen Writers Guild.

"The French Key" with Albert Dekker

(Republic, May 18; time, 67 min.)

As a murder-mystery melodrama with the accent on comedy, "The French Key" barely makes the grade; it is no more than moderately entertaining program fare. The fault lies mainly in the fact that the story is involved and far-fetched, so much so that one loses interest in the outcome before it is half-way through. It strives to be breezy, but the comedy is so forced that it falls flat. Albert Dekker and the other players do all they can to make the picture entertaining, but all are handicapped by the poor material. The romantic interest, which is dragged in by the ear, has little bearing on the plot:—

Dekker, a fast-talking book salesman, and Mike Mazurki, his "strong-arm" buddy, find themselves locked out of their hotel room for non-payment of rent. A French key had been placed in the lock. They enter the room through the window of an adjoining apartment, only to find a dead man on the bed, clutching in his hand an 1822 gold coin. Lest they be blamed for the killing, the boys set out to find the murderer. The trail leads them to Frank Fenton, a coin collector, who offers them a large sum of money for the coin, and to Selmer Jackson, a wealthy industrialist, who, too, offers to buy the gold piece. But Dekker, anxious to clear himself of suspicion, refuses to sell, particularly since several attempts had been made on his life. In the course of events, Jackson himself is murdered, and Dekker, questioning his daughter (Marjorie Manners), learns that her father had owned an abandoned gold mine in the West. He flies to the mine to investigate. There he meets and tangles with Fenton, who had come to the mine in an attempt to make off with a hoard of gold coins hidden in the mine shaft. Shifting the different clues, Dekker discovers that the man who had been murdered in his room had been a caretaker at the mine; that Jackson had been melting down illegally held gold coins into bullion; and that he had been using the mine to lead government officials to believe that the gold he sold had come from the mine.

Frank Gruber wrote the screen play from his own novel, and Walter Colmes produced and directed it.

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A GREAT SPEECH FROM A GREAT HEART

As every one of you undoubtedly knows, the Allied board of directors and the Conference of Independent Exhibitors' Associations held meetings in Chicago on May 23, 24 and 25. They were well attended gatherings.

On Saturday evening, May 25, Allied Theatres of Illinois gave a testimonial dinner in honor of Jack Kirsch on the occasion of his having been elected president of National Allied. It was the biggest exhibitor affair in years. More than fifteen hundred guests paid tribute to Mr. Kirsch, a popular and dynamic leader.

Among the many industry leaders who attended this inaugural dinner was Mr. Spyros Skouras, president of Twentieth Century-Fox.

The speech Mr. Skouras delivered was one of the evening's highlights. The soundness of his views, and his startling proposal that the exhibitors, if they are dissatisfied with the present distributor arbitration system, set up a system of their own, made so deep an impression, not only on exhibitors, but also on distributors, that HARRISON'S REPORTS feels that it is rendering the industry a great service by reproducing the entire speech:

Mr. Toastmaster, Mr. Kirsch, Ladies and Gentlemen:

This gathering of so many representatives of the motion picture industry to do honor to the new president of Allied is a wonderful omen.

If the fraternal spirit evidenced here tonight is continued in our working relations next Monday morning, the problems of our industry are well on the road to solution.

For four years now, I have been president of a company which produces motion pictures and which distributes them to exhibitors throughout the world. In addition, we operate many theatres throughout the country.

However, before becoming president of this company, which literally represents a cross-section of our industry, all of my business life had been spent as an exhibitor.

It has been my experience as an operator of motion picture theatres that has been my guide as a producer and distributor.

As president of Twentieth Century-Fox, my goal has been to make the kind of pictures that, as an exhibitor, I would want to show in my theatres.

The great and ultimate object of our industry is to bring entertainment, inspiration and relaxation to the people, and at the same time, educate and elevate. But, I repeat, most important is to entertain.

As an exhibitor for more than 30 years—because I still consider myself an exhibitor—I sought to buy for my screen, those pictures which met these tests.

In my present position, I have tried to provide that type of film for you.

This has been no easy task. Like every other industry, much of our manpower was in the armed services. Our stars toured the globe entertaining troops, building morale and selling war bonds. Great personalities which we had developed over the years were no longer available to us. And, then the high cost of living—of war prosperity,—or whatever you may call it—hit us. Our production costs mounted rapidly.

This was not due to our extravagance any more than the increase in your theatre expenses, or the fact that your own grocery bill is twice what it was five years ago, is due to your extravagance. To be sure, we pay our great stars, our executives, our producers, our directors and our writers the compensation that is in keeping with their abilities and their contribution to the company.

As we all know, everything costs more. Wages in every field are up and every material we buy is more expensive.

Our industry has been as hard hit by these increases, and even more so, than any other. In addition to the increases brought about by wage and material price rises, the motion picture companies have been confronted by insistent demands for better and ever more costly films.

The taste of the American public, and for that matter, the taste of the world audience, has become ever more discriminating where films are concerned, and all demand strong box office attractions.

You and your patrons demand the finest stories on the market and since the number of such stories is comparatively small, the best ones command ever higher prices.

Naturally, this increased cost of production has had a very important influence on the relation between all companies and their exhibitors.

The only source of payment for the production of motion pictures is the dollar paid in by the public at the box office. Out of that dollar, every expense of the whole industry must be paid.

Since, however, that box office dollar is collected by the exhibitor's cashier, there has grown up in the minds of some exhibitors the mistaken belief that it was all theirs.

As a result, they felt it was their privilege to share as little of it as possible with the producer of the film.

And some distributors, I am sorry to say, fell into the same way of thinking. In their opinion, the box office dollar was their exclusive property to do with as they would because they had made the original investment in the film that drew the crowds.

In my opinion, both theories are wrong.

The dollar which the patron pays must support the entire industry and, therefore, belongs to the entire industry. It was earned by our mutual efforts and should be shared fairly by all who made its collection possible.

No organization of producers, distributors or exhibitors that sets itself up to prevent the equitable distribution of that box office dollar is doing justice to its own group or to the industry.

It is not, I submit, the proper purpose of Allied, or of any other organization, to resist a fair and equitable division of that dollar, or to oppose in an organized manner fair and intelligent methods of determining what that division should be—or how it should be measured.

And certainly, it is not the purpose of Allied or of any other organization to justify the offenses of those who have not respected their contractual obligations. Nor is it your purpose to oppose the efforts of distributors to correct such abuses where they may occur.

Gentlemen, I want to appeal to you, in your own interest, to put your own house in order. You are an all-important factor in our industry and with that importance goes responsibility. You must see to it that each one of your members so conducts himself that never again will one of them be embarrassed because a distributor asks for an explanation.

The effort of our company has been to make good pictures and to price them fairly. We have tried to make quick and effective adjustments where our prices were out of line with the money you actually took in at the box office and Tom Connors and myself personally encouraged this practice. Certainly, therefore, we are entitled in all fairness to collect that which is due us and to take the proper business steps to see that our contracts are performed.

The main point of contention after all in our great industry is film rental. It is on this point that I believe the ex-

(Continued on last page)

**"Centennial Summer" with Jeanne Crain,
Cornel Wilde and Linda Darnell**
(20th Century-Fox, August; time, 102 min.)

Set against the background of the colorful days of Philadelphia's Centennial Exposition in 1876, this Technicolor musical romance is the type of entertainment that should appeal to the masses, for it is gay, nostalgic, and romantic. The story, which is based on the popular novel of the same name, is lightweight, and it unfolds in the manner one expects, but this is more than made up for by the delightful musical score written by the late Jerome Kern, and by situations that are alternately charming, appealing and amusing. One song in particular, "Up with the Lark," will undoubtedly become a national hit because of its simple, catchy melody. The romance is developed in a charming and at the same time comical manner. The production values are lavish:—

Walter Brennan, a railroad worker with an inventive mind, finds his peaceful house in a turmoil when word comes that his wife's (Dorothy Gish) sister, Constance Bennett, a vivacious divorcee, was en route from Paris for a visit. Constance arrives, accompanied by Cornel Wilde, a nephew by marriage, who was representing France at the Exposition. Brennan's grown up daughters (Jeanne Crain and Linda Darnell) find themselves attracted to him. Despite Wilde's obvious liking for Jeanne, a demure girl, Linda, a flirtatious sort, who was engaged to William Eythe, a local doctor, sets her cap for him. Through trickery, Linda convinces Wilde that Jeanne was engaged to Eythe, thus discouraging him from romancing with her sister. Meanwhile Brennan, who had invented a special railroad clock, was unable to bring it to the attention of the railroad's president (Gavin Gordon) because of the interference of Charles Dingle, his superintendent. Constance, who had become friendly with Gordon, decides to help Brennan, but her interest in his invention is misunderstood by her sister, who suspects Brennan of flirting with her. By this time Jeanne, unable to bear her unrequited love for Wilde, leaves home to stay with her grandmother. In the meantime Wilde discovers Linda's duplicity and rushes to Jeanne only to learn that she had gone away. Heartbroken, he joins Brennan, who had been locked out of his home, and both drown their sorrows in drink. Numerous complications ensue before every one's troubles are resolved, and it all ends with Jeanne winning Wilde; Linda contenting herself with Eythe; Brennan becoming reconciled with his wife, happy in the knowledge that his clock had been accepted by the railroad; and Constance departing on another one of her trips, this time accompanied by the railroad president.

Michael Kanin wrote the screen play from the novel by Albert E. Idell, and Otto Preminger produced and directed it. The cast includes Barbara Whiting, Kathleen Howard, Buddy Swan, Avon Long and others.

Unobjectionable morally.

"Talk About a Lady" with Jinx Falkenburg
(Columbia, March 28; time, 71 min.)

Just an ordinary program comedy-drama, with some music. The story is far-fetched and quite obvious, causing one to lose interest in the outcome, but if the spectator can overlook the plot's defects he may find a few features to entertain him, such as Joe Besser's low comedy antics; music by Stan Kenton's orchestra; and Jinx Falkenburg's singing of a few songs, which come as a pleasant relief. There is more dialogue than action, making the action slow-paced. It is the sort of picture one forgets immediately after leaving the theatre, for it does not have even one outstanding situation:—

Disappointed in love, Richard Lane, a wealthy New York night-club owner, motors west to forget. His car breaks down in a small Ohio town and, while waiting for repairs, he drinks himself into unconsciousness. Jinx Falkenburg, a kindly flower shop clerk, safeguards his wallet and sees to it that he is taken to a hotel. On the following day, Lane, impressed with Jinx's honesty, decides on a strange prank:

He makes it appear as if he had been killed in an auto accident and, before going into hiding, arranges for Jinx to inherit his two million dollar estate. Trudy Marshall, Lane's widow, and Forrest Tucker, his best friend and manager of the night-club, determine to contest the will in the belief that Jinx was a "gold-digger." Tucker visits Jinx and induces her to reject the inheritance, but she changes her mind when he implies that she had tricked Lane into leaving her his fortune. News of the inheritance starts local gossip that compels Jinx to leave town. She goes to New York determined to clear her reputation and to learn why she had been named in the will. Tucker, to win the case in court, embarks on a smear publicity campaign to discredit Jinx, but he soon realizes that she was actually an honest girl and falls in love with her. Trudy, aware that she had lost Tucker's support, publicly accuses Jinx of stealing her husband and of persuading him to change his will. Jinx is saved from embarrassment by the sudden appearance of Lane, whom he suspected had married him for his money. Her reputation cleared, Jinx accepts Tucker's marriage proposal.

Richard Weil and Ted Thomas wrote the screen play from a story by Robert T. Andrews and Barry Trivers, Michael Kraike produced it, and George Sherman directed it.

Unobjectionable morally.

**"Valley of the Zombies" with Robert
Livingston and Adrian Booth**

(Republic, May 24; time 56 min.)

A mediocre program melodrama, centering around one of those fantastic "living dead" characters, whose thirst for human blood results in several murders. Besides being implausible, the story is unoriginal and its treatment trite. The best thing that can be said for it is that its title, which has nothing to do with the story, may lure the horror-picture fans to the box-office, but once in the theatre it is doubtful whether they will be pleased, for there is little about the action or the main character that is horrific. An attempt has been made to inject comedy in the situations that deal with the efforts of a young doctor and his nurse-sweetheart to find the criminal and clear themselves of suspicion, but most of this is ineffective because the players are handicapped by the weak dialogue and forced situations:—

Dr. Charles Trowbridge, a brain specialist, is murdered by Ian Keith, who, before committing the crime, reveals himself as an insane patient whom Trowbridge had pronounced dead years previously. Through self-administration of a secret potion, Keith had attained a state of "living death," which required that he receive periodic transfusions of human blood. Keith tries to bury the doctor's body in an abandoned cemetery, but he is frightened away by the approach of a police car. Investigating the crime, detective Thomas Jackson visits the doctor's office, where he finds Dr. Robert Livingston, Trowbridge's assistant, and Adrian Booth, his nurse, under circumstances that leads him to suspect them of the murder. Both are held for questioning but are released for lack of evidence. Determined to clear their names, Adrian and Livingston embark on an investigation of their own. When Adrian discovers in the office wastebasket a file card giving Keith's case history, Livingston, on a hunch, decides to visit the mausoleum in which Keith's casket had been stored. They find the casket empty. Their quest leads them to Keith's abandoned home, adjoining the cemetery, where they become involved in several more murders before they find themselves face to face with Keith. In the events that follow, Keith kidnaps Adrian and, through hypnotic powers, compels her to accompany him back to the laboratory and to give him a transfusion. Livingston and the police reach the laboratory in time to trap Keith and, after a hectic chase on a roof-top, shoot him down while he totters on the parapet.

Dorrell and Stuart McGowan wrote the screen play and produced it from a story by Royal K. Cole and Sherman I. Lowe. Philip Ford directed it.

Adult entertainment.

JACK KIRSCH'S INAUGURAL SPEECH

There is one thing I have in common with all the former presidents of Allied States Association: I did not seek the job.

Every two years a nominating committee after consulting with the members of the board puts the finger on some poor fish. And no matter how much he may wiggle and squirm, he's hooked.

I recall that a few years ago the committee reported the name of M. A. Rosenberg, thereby throwing that esteemed gentleman into a mild panic. He made a most moving speech in which he cited a half dozen reasons why it would be absolutely impossible for him to serve. When he had finished he was informed by the chairman that he had "never been more eloquent or less convincing"; and before the laugh subsided M. A. found that he was the new president of Allied.

On a clear crisp day last February I bade good-bye to my family, cleaned up my desk and set out for New York with a carefree heart. Only those who have been privileged to attend the Allied board meetings can know what a pleasant experience it can be. The importance of the subjects dealt with, the wide range of the discussion, the decisive actions and the splendid fellowship all combine to make these meetings memorable. But on this occasion my pleasure was short-lived. Fate in the form of the nominating committee decreed that, from there on, the program was going to be different.

Don't get the impression that I gave up without a struggle. Far from it. But the nominating committee was composed of the toughest collection of bullheads ever assembled, and I didn't stand a chance. And so I returned to Chicago in a very sober frame of mind, burdened with the responsibility of leadership in national affairs during a most critical period in the history of our great industry.

About the only thing that reconciled me to my fate was the knowledge that throughout my administration I would have the advice, the support and the encouragement of the finest group of men it has ever been my good fortune to meet up with. I felt that no matter how tough the going might become the trail had been well blazed and with a wealth of experience at my elbow the Chicago Kid could not fail. I wish at this time, out of the fullness of my heart, to pay tribute to the Allied board members: To the mellow and industry-wise Col. Cole; to the dynamic and useful Sidney Samuelson; to the erudite and close-thinking Nate Yamins; to the suave and keenly-analytical Martin Smith and his effervescent side-kick, Pete Wood; to M. A. Rosenberg whose sound judgment supplies the balance wheel; to the faithful and cooperative Ray Branch; to Harry Lowenstein who is always in there pitching for Allied; to the alert Max Alderman and amiable "Mike" Leventhal whose "Baltimore will go along" is always such sweet music; to "Solid John" Adler, expert in all manner of organization work and Bill Ainsworth, that gem among treasurers; to Trueman Rembusch, our latest addition, whose burning energy may even wear down Sid Samuelson one of these days; to Morris Finkel another new comer in the ranks of Allied whose leadership should gain wide recognition; and last, but not least, our Chairman and General Counsel, Abram F. Myers, on whose store of knowledge and wisdom we call and never in vain.

Having been saddled with this great responsibility, I have accepted it as a challenge and I am resolved, with the help of my cabinet, to do a good job. We in Chicago have not been wholly unsuccessful in our organization efforts; in fact, if it were not for my innate modesty, I would claim that it is the best exhibitor association in the country. I intend to apply to National Allied some of the principles that have served us well in Chicago. The big advantage which a well-conducted regional has over a national body is that it can keep in close touch with its members. I intend as far as conditions will permit, to bring National Allied and its work home to the independent exhibitors. And in order that its work may be better appreciated I intend that Allied shall concentrate, as far as possible, on those matters which are vital to the exhibitors in the every day operation of their theatres. The Allied leaders have no embarrassing alliances to prevent them from speaking out for their members on issues affecting other branches of the industry. There are no hampering restrictions on the scope of Allied's activity and interest when the welfare of the exhibitors is at stake.

This I think you will agree is as it should be. No organization should presume to speak for the independent ex-

hibitors in reference to film prices, trade practices or industry readjustments made necessary by law, if to do so would put its leaders in a false position due to their affiliation with other branches of the industry. It is my view—and it is reflected in the published resolutions of the national board—that every division of interest in the industry should be represented by its own trade association. Further, that in matters of mutual concern, in which these different organizations can see eye-to-eye, they should cooperate freely for the common good. Allied stands ready now, as it always has, to cooperate with the representatives of other branches in such matters. If such cooperation has broken down in some cases, interested parties are asked to investigate thoroughly before reaching any conclusion as to the cause.

It is absurd to say, as a few have done, that Allied's insistence on the maintenance of separate organizations for independent exhibitors reflects a non-cooperative attitude. Striving to do the best we can for our members does not mean war to the knife. We in Chicago have battled the exchanges and the higher-ups as well over the terms and conditions for film; and if you don't think those battles were tough, ask anybody who had a ringside seat. But in those encounters neither side lost its respect or its regard for the other. In the course of our dealings I have formed cherished friendships among the distributor leaders and I am gratified and honored by the presence of many of them here tonight. That is my attitude and as president of Allied I shall strive to make it a national policy. I am confident that with the good will displayed here in Chicago during the past few days it will succeed.

I very much hope that this frank disclosure of Allied's policy and mine will be brought to the attention of the industry. I am especially anxious that it shall be made known to the independent exhibitors who have become confused by recent developments and who are being beckoned by many hands to follow strange leaders. In the period of readjustment which lies ahead the exhibitors need a strong organization, with no entangling alliances or crippling reservations, to deal with the problems with which exhibitors are most concerned. You all know what those problems are; mainly they have to do with securing supplies of suitable film at prices within their means. If anyone doubts this he is referred to the proceedings at any gathering at which the exhibitors are allowed to speak out. Allied is striving to cope with these problems by the collection and dissemination of trade information through the Caravan and in many other ways. The effectiveness of some of these measures is in proportion to the number of exhibitors who participate. Therefore, Allied extends a cordial invitation to all independent exhibitors of good will to join in these undertakings.

Allied, of course, recognized that the building of an all-inclusive independent organization calls for time, patience and understanding. The seeds of suspicion that have been sown by those who follow a policy of divide and conquer cannot be eradicated in a day. In the meantime, there is urgent need for cooperation by independent exhibitors on a national scale with respect to those matters with which only independent organizations can deal. To this end Allied States Association, the Pacific Coast Conference of Independent Theatre Owners and several other regional associations have formed the Conference of Independent Exhibitors' Associations as a common meeting ground and clearing house. If it should serve no better purpose than to bring together independent leaders from all sections of the country, in order that they may become better acquainted and exchange views and information, the effort would be justified. But the Conference has gone much further and is now tackling directly some of the problems I have mentioned. I am not authorized to speak for the Conference but I am sure that its Chairman, Jesse Stern, will back me up when I say that there is a place in its councils for those associations which are in good faith dedicated to the promotion and protection of the independent exhibitors' interests.

Perhaps I should not have burdened you with a serious speech on such a happy occasion. But I had these things on my mind and they needed to be said. In closing I wish to express my deep gratitude to Van Nomikos, James Gregory, and their associates for arranging this affair and to all of you—both honored and paying guests—for attending. The whole thing has been most inspiring to me and in view of this testimonial of your friendship and support I would be most unworthy if I did not respond by giving the best that is in me to the tasks that lie ahead.

hibitors and distributors must first get together. The exhibitor should present his case to each individual distributor honestly, openly and on the highest plane of business ethics. The distributors are forced by high cost of production to demand higher terms, and they favor percentage as the most equitable plan. I am confident that by sitting down together and frankly discussing mutual problems, a proper percentage basis for every type of theatre can be worked out, which will distribute the box office dollar equitably. Once we have solved this problem and remove this major obstacle to complete harmony, all of our other difficulties will quickly fade.

During the recent war, our industry presented a united front. Every member cooperated and we are all justly proud of the results. Today, the motion picture industry stands foremost among the benevolent and philanthropic industries of the world. The American Red Cross, the Infantile Paralysis Foundation, the American Cancer Society, the U.S.O. and the National War Fund, have all been supported wholeheartedly by our united effort. You have also joined in sponsoring American Brotherhood Week, which was set up by the National Conference of Christians and Jews.

At this very moment, many of you are aiding one of the most worthy of causes—the United Jewish Appeal. Indeed, I would like to take a minute of the time allotted me here this evening, to discuss this appeal with you. The United Jewish Appeal is dedicated to saving hundreds of thousands of Jews in Central Europe from complete destruction.

During my visits to Europe, Greece, and Palestine, I saw first-hand the horrors that were visited on this great people by Hitler. Those who survived the torture and hatred of the Nazis are in desperate need today.

This organization plans to remove them from the nations which no longer appreciate the tremendous contributions the Jewish people have made to scientific, educational, medical and cultural development of our civilization, and gave us our religion.

I know of no greater humanitarian effort, and I am confident that you, and all of us, will rise to its support.

All these appeals, to which I have referred, are national in scope. But they represent only a small part of what you exhibitors do for local charities in your own communities. Today, thanks for the most part to you, our industry's name is linked with charity and civic responsibility. We, united in war, and by our common effort, achieved a proud record of accomplishment. Now that we are at peace can we not devote that same unity of effort to the solving of our own problems?

Of course we have problems. They are very difficult problems—some of them seem insurmountable. But we will never solve them by distrust, by gossip, or for that matter even by letters to government officials.

I for one do not believe that there are different groups in our industry and that the interest of one is opposed to the other. To my mind, the interest of the independent exhibitor, which this association represents, is no different from the interest of other exhibitors.

In my opinion, the interest of exhibitors is not antagonistic to that of the producers and distributors. All of us are engaged in the ultimate effort of trying to bring to more people one thing—better motion picture entertainment. With that common goal, there can be no room for internal bickering, private quarrels and dissensions.

Tonight, we honor Jack Kirsch, who last February was elected National President of Allied States Association of Motion Picture Exhibitors. He succeeds our good friend from Ohio, Martin Smith, and is a worthy successor to the long line of able and effective showmen that Allied has had over the years.

Jack has been a consistent advocate of unity and harmony. He was an important factor in the short-lived UMPI, and as chairman of the Trade Practice Group, demonstrated his capacity for fairness, realism and impartiality.

In that spirit, I am going to presume tonight to suggest to you, Jack, some major objectives which should be achieved during your administration.

First, I urge unstinted co-operation with every worthwhile movement in the industry. Whatever fosters better public acceptance of our industry, benefits all of us directly. When one section of our industry is attacked, all parts feel the effect. A hostile move in a distant state may be the forerunner of a direct local attack within a few weeks.

Secondly, I urge upon you an effective program of compromise, conciliation and arbitration as to trade practice

disputes. More and more the major disputes in this industry are coming to be not between an exhibitor and a distributor, but between two exhibitors.

The difficult questions of run, of clearance, of the rights of the old customer, of the effect of new theatres built in opposition to established theatres, pose problems that call for great statesmanship if they are to be solved equitably.

These cannot be solved by denouncing the major companies who, after all, produce the pictures by which you and I live. Nor can our problems be solved by bitter attacks on each other. Finally, they certainly cannot be solved by suing the distributors.

The answer obviously is for you, as exhibitors, to set up your own arbitration machinery. After all, when the distributors' expenses mount, you are the ones who eventually must pay the costs. Simple business sense should dictate that, wherever possible, we should eliminate unnecessary expenditures of any kind.

If the arbitration system maintained by the distributors is not adequate, you will have to supplement and add to it. But it takes more than a system: It takes a spirit of fairness, a spirit of conciliation, a spirit of being willing to live and let live.

We cannot, in the years to come, move our business from film row to the court house, and we need not, if everyone in the industry will approach these problems realistically, and with patience, understanding and a willingness to co-operate in their solution.

Third, and finally, I urge upon you that Allied should not be simply a negative, opposition organization.

We hear too often of the things which Allied is against. We hear that Allied is against percentage pictures. Allied is against preferred playing time. Allied is against local checkers. What we must hear, if this industry is to go forward, is an affirmative program, a program that recognizes the economic problems of the producers, the rights and economic problems of the established theatre operators of the country, the rights of every free man to enter our business, and seek to harmonize them all.

If we are all to succeed and if we are to discharge the responsibilities we owe to the great public who seek our theatres in search of entertainment, of inspiration and of happiness—if we are to discharge the responsibilities which we owe to our families, of providing for them now and giving them some security when we are gone—then we must all join together in really seeking a mutually satisfactory solution to our problems.

You, Jack, are in a position to call upon all of the leaders of our industry whenever problems arise and present them frankly and honestly with proper suggestions as to how they can be solved. All you have to remember is that you must recognize the problem of the producer and distributor as well as that of the exhibitor when you offer solutions.

The arbitrary refusal to co-operate on percentage contracts, requests for preferred playing time, or on any other controversial question, is not the answer.

We must not operate as though we were in enemy camps. We must recognize the fact that we are allies working together toward a common objective—the betterment and prosperity of our industry.

If we approach our problems in that spirit, I am certain that we can solve them amicably. The distributor should recognize that there are only so many days of preferred playing time in a year. If he feels that he is getting his fair share of the available time, he will not complain.

Similarly, the distributor also should recognize that the exhibitor is in business for profit just as he is. He should not, therefore, seek to prevent the exhibitor from making that profit.

I am confident that your national board, under the very able guidance of Abram Myers, and with that valuable aide and assistant whom you have, Van Nomikos, a real leader, you can do much during the coming years toward bringing about that closer association, sympathy, and understanding which is imperative if our industry is to rise to the full heights that it is capable of attaining.

Tonight we honor you, Jack, as the new head of Allied. We honor you because of your achievements. We honor you because of our affection for you.

But most important of all, in honoring you, we also urge upon you your great responsibilities for providing the leadership we know you to be capable of, so that all of us may go forward together prosperously, triumphantly.

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A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XXVIII

SATURDAY, JUNE 8, 1946

No. 23

WHAT A PUBLISHER SHOULDN'T DO

In the issue of the *Hollywood Reporter* of February 8, W. R. Wilkerson, editor and publisher of that paper, reviewed the MGM picture "Army Brat," the title of which has now been changed to "Little Mr. Jim."

I have seen many a review in which the reviewer poured out his spleen, but never have I seen a review as venomous as this one.

For the purpose of having you judge for yourself how unfair, how unjust, how mean, how truth-shattering is this review, I am taking the liberty of reproducing it:

"Every time a studio sees one of its kid stars growing up, someone on the lot gets panicky and begins measuring time as earnestly as the child's increasing height, and the result is too often, a picture like 'Army Brat'—a poorly contrived tale developed solely around the particular natural specialty of the baby actor. The studio has run true to form with this one.

"For about six reels, a quite sincere attempt has been made to re-film 'The Kid' with a cavalry post background, then the show drifts into a maudlin mood that apparently was thought to need no plot, and the picture winds up with every one choking back salt tears, and the band playing and the flags flying. All this stamps 'Army Brat' a low-grade B effort, with nothing in the way of boxoffice allure to insure that it will earn a dollar.

"The top name in the cast is 'Butch' Jenkins, whose only claim to fame, besides being a kid with freckles, is his reluctant reading of cute kiddie quips. The other leads, James Craig and Francis Gifford, are more competent performers, although hardly marquee names. And their acting here is not going to make the studio any fortune.

"The story, played strictly for tears and chuckles, is stale. The action, which concentrates on kid fights that will draw guffaws from any boy who ever went to a public school, is about as exciting as an afternoon at a fashionable kindergarten. True, there are lines given to little Jenkins that are delightful and really funny, but in the main, the conversation is the sort you'd expect in a script cooked up in a week.

"Because the film is a last-stand showcase for the boy, it is as episodic as a local bus, with a deadly dose of cuteness. The writers and producers tried valiantly to wring the audiences' hearts—but in so obvious a fashion that such tried-and-true gimmicks as the death of the boy's mother brought only yawns from the preview witnesses.

"The direction, by Fred Zinneman, is competent, its competence includes such touches as making sure

there is flour on a cook's face when he is cooking and a solid shoe-black mouse on a boy's eye when he's been in a fight. But then he had little to work with.

"As for the production values, if this isn't the cheapest film turned out in Culver City in 20 years, somebody was padding the budget and taking lettuce home.

"No, 'Army Brat' is not a good picture. If it is to be sold at all, it will have to be billed with something very special, and then a smart manager will give away dishes."

Since the picture was shown to the trade press only two weeks ago, with the understanding that the review be printed not before June 4, it is evident that Billy Wilkerson caught the picture in February at a sneak preview.

For the purpose of a clear understanding, let me say that a sneak preview is arranged, either by the producer of a picture, or by the studio, for the express purpose of ascertaining the public's reaction, so that, if there is anything about the picture that either displeases the audience or does not receive the desired reaction, the studio proceeds to make alterations in order to improve it. The Metro-Goldwyn-Mayer studio is noted for the care it gives to its productions and for its readiness to retake scenes when necessary. As a matter of fact, most major studios often do make retakes for the purpose of improving the quality of a picture. Any review, then, written when a picture is shown at a sneak preview does not represent the final quality of a picture, unless, of course, the press had been invited to the preview for reviewing purposes. Wilkerson should have known, therefore, that a review written under such circumstances is unfair, not only to the studio, not only to the producer, not only to the director, not only to the players, but also to the exhibitors. An exhibitor guided by such a review will most likely fail to exploit the picture properly, thus risking the loss of a considerable income.

Wilkerson was, in the opinion of this writer, well aware of the fact that he was reviewing the picture under unfavorable circumstances, yet he seems not to have been the least concerned about the possible effect his vituperative remarks would have on the artistic reputations of those connected with the picture's making, for at the time he wrote this review he was in the midst of a fight with the MGM studio. Wilkerson had an axe to grind: MGM had withdrawn its advertising from his paper, and he was in a retaliative mood. The proof of it to me is, not only the tone of his review, but also the fact that, at that

(Continued on last page)

"The Runaround" with Ella Raines and Rod Cameron

(Universal, June 14; time, 86 min.)

This romantic comedy-melodrama should go over with most audiences pretty well. Its fast-moving story, which deals with the efforts of two rival detectives to find and return a runaway heiress to her wealthy father, is filled with so many mirth-provoking complications that one's interest is held undiminished from beginning to end. Most of the laughs are provoked by the clever tricks both men employ as they try to outwit each other in order to get possession of the girl. The adventures of the heroine and one of the detectives, as they make their way from coast to coast while trying to elude the second detective, are highly amusing and somewhat reminiscent of "It Happened One Night." It has considerable excitement, too, for every time the rivals catch up with each other a rousing fight ensues. The ending will come as a surprise to the spectator:—

When Broderick Crawford, his employer, head of a detective agency, discharges his best friend (Frank McHugh), Rod Cameron resigns his job and, with McHugh, starts a detective agency of his own. Through questionable methods, Cameron learns that Samuel S. Hinds, a financier, was seeking Crawford's aid to locate his headstrong daughter, who had run away from home to marry a sailor. Cameron, posing as Crawford's assistant, tricks Hinds into giving him the assignment, but, when Crawford arrives and protests, Hinds commissions both of them to do the job, offering \$15,000 to the one who returns with his daughter. He gives each one a photograph of Ella Raines. Cameron succeeds in finding Ella in San Francisco, despite Crawford's efforts to waylay him. But realizing that Crawford would stop at nothing to get Ella away from him, Cameron tricks her into stealing Crawford's car, and then, under threat of arresting her for the theft, compels her to accompany him back home. Their trip across the country is marked by periodic appearances of Crawford and his henchmen, who use force to get Ella away from Cameron, but Cameron manages to outwit them in each instance. Meanwhile Cameron and Ella fall in love but neither would admit it. After several more encounters with Crawford, Cameron finally succeeds in delivering Ella to Hinds, only to learn that she was his secretary, not his daughter. Hinds explains that he had deliberately given him Ella's photograph as part of a scheme to stop his (Hinds') wife from interfering with her daughter's marriage. Ella had been in on the scheme. It all ends with Cameron winning both Ella and the reward.

Arthur T. Horman wrote the story and collaborated on the screen play with Sam Hellman. Joe Gershenson produced it, and Charles Lamont directed it. Unobjectionable morally.

"Two Smart People" with John Hodiak and Lucille Ball

(MGM, no release date set; time, 93 min.)

Although the performances of Lucille Ball and John Hodiak are good, this is just a fair crook melodrama. The story idea is not bad, but for the most part it is developed in too pat a manner and it strives too hard to be light and gay. At times, the action is considerably slow. It is only towards the end, where a gun battle takes place in the midst of a Mardi Gras carnival, that it really becomes exciting. It has romantic interest, but there is no human appeal; and, since the hero and heroine are both crooks, one feels

no sympathy for them. The fact that they reform in the end is not of much help:—

Hodiak, a suave swindler, meets Lucille, a fashionable confidence woman, while each tries to take advantage of Lloyd Corrigan, a millionaire. Each spoils the other's scheme. Hodiak, who had just concluded a swindle of a half-million dollars in Government bonds, finds himself threatened by Elisha Cook, Jr., a petty thief, who demands a share of the loot as his price for silence. Shortly afterwards, Hodiak finds himself confronted by Lloyd Nolan, a New York detective, who had traced him to California. Hodiak refuses to reveal where he had hidden the bonds, but agrees to accompany Nolan back to Sing Sing. He prevails on Nolan, however, to travel back first-class deluxe, with a stopover in New Orleans for the Mardi Gras, so that he could have a final "fling" before entering jail. As they start the journey they discover Lucille on the train. She joins their party and, en route to New Orleans, Hodiak falls in love with her only to discover that she, in league with Cook, was after the bonds, which he had hidden in a book. She convinces him, however, that her love was sincere and that she was no longer after the bonds. Arriving in New Orleans, they join the Mardi Gras carnival and, amid the bedlam and gaiety, Cook, who had trailed them, traps Hodiak at the point of a gun and demands that he turn over the bonds. Believing that Lucille had double-crossed him, Hodiak puts up a fight. Nolan joins in and, in the ensuing excitement, shoots Cook dead. Later, at the railroad station, Nolan reveals that he had taken the bonds from the book before their arrival in New Orleans. The story closes with both Lucille and Hodiak agreeing to return to each other after paying their debt to society.

Ethel Hill and Leslie Charteris wrote the screen play from a story by Ralph Wheelwright and Allan Kenward. Mr. Wheelwright produced it, and Jules Dassin directed it. Adult entertainment.

"Janie Gets Married" with Joan Leslie

(Warner Bros., June 22; time, 89 min.)

This sequel to "Janie," which Warner Bros. produced in 1944 with Joyce Reynolds in the lead, is a moderately amusing domestic comedy that does not rise above program fare. Its marital plot, which deals with the usual bickerings and misunderstandings between newlyweds, is rather infantile and, since it is developed without any new angles, its familiarity weakens one's interest in the outcome. The chief trouble with the picture is that, in many of the situations, garrulousness has been substituted for comedy; the constant chatter of the characters, all talking at the same time, serves to distract rather than entertain the spectator. Here and there it has a bright comedy situation, sparked by the late Robert Benchley's witty remarks, but this is not enough to overcome the commonplace story material. With the exception of Joan Leslie, who plays the role of "Janie," the same players enact the parts they did in the previous picture.

The story concerns itself with the marriage of Joan and Robert Hutton, shortly after his return from service abroad, and with his unhappiness as a reporter on her father's (Edward Arnold) newspaper, a job that Arnold had manufactured so that Hutton could support Joan. The marriage hits a discordant note when Dorothy Malone, a pretty WAC, whom Hutton had met overseas, comes to town and spends all her time with him planning a new column he wanted to write. Joan misunderstands their com-

panionship and, to retaliate, encourages the attention of Dick Erdman, a former suitor, to make Hutton jealous. Matters become confused when Donald Meek, a priggish, prospective buyer of Arnold's newspaper, comes upon Joan and Erdman in an embrace and assumes that the young man is her husband. Joan's efforts to rectify his mistaken belief makes matters even worse, with the different mix-ups leading to a family squabble and to Meek's decision not to buy the paper. Eventually, Dorothy takes the situation in hand and, after making explanations to everyone's satisfaction, it all ends with the newlyweds in a fond embrace; with Meek buying the paper; and with Hutton given a job writing a column for servicemen.

Agnes Christine Johnston wrote the original screen play, Alex Gottlieb produced it, and Vincent Sherman directed it. Unobjectionable morally.

"Little Mr. Jim" with Jackie "Butch" Jenkins, James Craig and Frances Gifford

(MGM, no release date set; time, 92 min.)

Good entertainment for the family trade. Jackie "Butch" Jenkins is as ingratiating as ever, and in general is responsible for the picture's enjoyable quality. It has deep human appeal and excellent comedy situations, caused by "Butch's" prankishness; his comedy lines are perfectly timed and should provoke many a hearty laughter. Several of the situations will stir the spectator's emotions, bringing tears to his eyes. Chingwah Lee, as a Chinese house servant, portrays a lovable character,—one with whom the spectator is in deep sympathy, and for whom he feels high respect. His devotion to "Butch," and the boy's love for him, are the reasons for most of the story's heart interest. It is a simple story, somewhat episodic, told in a simple way, but it is rich in incidents that are humorous and pathetic, and on the whole shapes up as entertainment that leaves one with a pleasant glow:—

"Butch," son of army Capt. James Craig, learns from Chingwah Lee that his mother was about to present him with a new brother, or perhaps sister. "Butch" spreads the news among the other children at the post and, through clever manipulations, receives from them all sorts of gratuities for the privilege of tending to the baby upon its arrival. The blessed event does not take place, however, because "Butch's" mother dies in childbirth. Craig goes to pieces on his wife's death, and takes to drink. Chingwah mothers "Butch" and tends to his needs, but Craig's inattention to the boy's welfare, and his failure to provide decent clothes for him, cause "Butch" to present a shabby appearance. This condition is noted by a trio of gossip women on the post, who take it upon themselves to convince Craig that he ought to remarry so that "Butch" would receive a mother's care. The interference of these women, as well as the other children's disparaging remarks about his father, cause "Butch" considerable unhappiness and lead him into several fights with his playmates, for which he is censured by his father when he refuses to explain the reasons for his behavior. Chingwah decides to take matters in hand and, through subtle psychological methods, succeeds in rehabilitating Craig, inducing him to renew his interest in "Butch." When trouble begins to brew in Asia, Chingwah is called to Washington on a mysterious mission. He returns to the post in the uniform of a Chinese general, a rank he had formerly held, and Craig discovers that he was to serve under him in China until the expected war with Japan breaks. Before Craig and Lee depart, "Butch"

is enrolled in a military school to prepare to follow in his father's footsteps.

George Bruce wrote the screen play, based on the novel "Army Brat" by Tommy Wadelton. Orville O. Dull produced it, and Fred Zinneman directed it.

"Anna and the King of Siam" with Irene Dunne and Rex Harrison

(20th Century-Fox, August; time, 128 min.)

An excellent production, with an unusual story, expertly directed and brilliantly acted. The novelty of the plot and of its treatment is enough to fascinate class audiences, and at the same time it is appealing enough to satisfy the rank and file. Set against the background of Siam in 1860, the story is a stirring account of an Englishwoman's efforts to westernize the King and his many wives and children, despite their adherence to semi-barbaric customs and superstitions. Irene Dunne, as the Englishwoman, is superb; her patience, tact, and intelligence in guiding the King into ruling his country under more democratic and humane principles has such warmth and understanding that she endears herself to the audience. Rex Harrison, as the King, gives a marvelous performance; he makes a role that might have been burlesqued in the hands of someone else seem believable. The picture has also moments of high comedy and sly humor that are brought about in a natural and delightful way:—

Accompanied by Richard Lyons, her ten-year-old son, Irene, a widow, arrives in Siam to teach English to the King's wives and children. Her refusal to recognize native customs, and her unwillingness to grovel before the King, because she was a woman, incurs his wrath, causing him to refuse to give her the private home he had promised to her; he compels her to live in the palace. Aware that she was dealing with an obstinate man, Irene changes her tactics: she drives him to distraction by having her pupils sing "Home, Sweet Home" constantly, compelling him to give her a home to stop the singing. Discouraged, nevertheless, by his rudeness and by the barbaric ways of the land, Irene plans to leave, but Lee J. Cobb, the prime minister, persuades her to stay by convincing her that the King, who sought recognition for his country from the occidental nations, needed her badly to help him guide Siam and to make of it a modern country. A better understanding grows up between the King and Irene as she toils to westernize him and his family, but a rift occurs when she is unsuccessful in her efforts to stop him from burning an unfaithful wife (Linda Darnell) at the stake. She decides to return to England, but the untimely death of her young son so affects her health that she is unable to travel. To convey his sorrow and to admit that he had been in error, the King proclaims a day of mourning for her son. Touched by his action, Irene decides to remain and turns her attention to the crown prince (Mickey Roth) to prepare him to rule Siam. In the passing years, Irene wins the King's complete admiration for her aid in getting the different occidental nations to establish diplomatic relations with Siam. She feels her success complete when, upon the King's death, the crown prince ascends the throne and dedicates himself to establishing a more democratic way of life for his subjects.

Talbot Jennings and Sally Benson wrote the screenplay from the biography by Margaret Landon. Louis D. Lighton produced it, and John Cromwell directed it. The cast includes Gale Sondergaard, Mikhail Rasumny and others. Unobjectionable morally.

time, he kept any mention of MGM out of his paper and even went so far as to delete the company's production activities from his production chart, which he publishes every Friday.

I don't know what prompted that fight between Wilkerson and MGM, but, assuming that he had some real grievance for his stand, was there any justification for that review? Just read the review of "Little Mr. Jim" printed in the inside columns of this issue and you will see at what variance is Wilkerson's review from the facts.

But let us assume that the variance in the two reviews is a matter of difference in each writer's opinion: what justification did Wilkerson have in going out of his way to make mean remarks about lovable "Butch" Jenkins? What harm did the child do to him to cause him to take his grievance against MGM out of the little fellow? What did Fred Zinneman, the director, do to Wilkerson to invite those sarcastic remarks about his ability? And what did Orville O. Dull, the unit producer, do to him to cause him, Wilkerson, to say that the production was cheap, and to cast aspersions on his integrity?

To a unit producer, director, or star, the injustice of Wilkerson's remarks is much greater in Hollywood than it would be anywhere else on this globe for this reason: Hollywood, despite its width, breadth and number of its inhabitants, is only a small community. There the picture people rub elbows with one another. Whatever is said by a paper against one of them hurts him—hurts his chances of obtaining another job, either for the job itself, or for bettering his position. No studio is eager to hire a producer, director, or player if its executives know that a local paper is against him. They fear that the publisher will continue the feud. A Hollywood personality does not mind so much what is said of him anywhere in the United States, be the critic a newspaper columnist or a trade paper editor; but he does mind if the critic is, either a columnist on one of the local newspapers, or an editor of one of the local trade papers, which are read chiefly by co-workers and studio executives.

Oh, yes!—the injured person may write a letter to the editor, or the columnist, as the case may be, and his letter may be published, but the harm that is done to his reputation cannot be offset by the publication of such a letter.

The readers of this paper will, I am sure, forgive me for expressing my indignation at, what I consider, the injustices Billy Wilkerson committed against innocent artists because of a fight he had with the MGM studio. I have always revolted against injustices and I could not help treating on this matter as I am treating it. For a publisher is, after all, honor-bound to consider the interests of his subscribers and readers first, and his personal feelings last. And in the case of Wilkerson, who, like myself, enjoys a second-class mailing privilege, the responsibility of considering the subscribers' interest is an obligation, for the post office department grants such a privilege to publications under the express understanding that they render to the public a service—print news and information that will, either enlighten them, or benefit them. If not for the second-class mailing privilege, neither I, nor Wilkerson, nor thousands of other publishers, could stay in business, for the post office, which distributes and delivers copies of publications throughout the country,

does so at a fraction of what it would cost to the ordinary citizen. And since the post office department is operated on public funds, it follows that those of the publishers who enjoy second-class mailing privileges are, in effect, subsidized by the public. Consequently, no publisher has a right to use his paper to satisfy a personal grudge, particularly when, in so doing, he renders a distinct disservice to the public that is making his stay in business possible.

Personal feelings should not enter into a reviewer's work and, in condemning either a company or an individual in an effort to undo some harm that either that individual or the company did, he should base his writings on facts. Mr. Wilkerson has not, in my opinion, founded his remarks on facts, for never, in the opinion of HARRISON'S REPORTS, has a reviewer been more erroneous or deliberately vituperative than was Wilkerson when he wrote that review.

These are pretty strong remarks to make, but when you see the picture you will be able to judge whether I am right or wrong.

FURNISHING THE LEGISLATORS WITH AMMUNITION

The campaign the Philadelphia exhibitors used recently in an effort to defeat the imposition of a local ten per cent tax on theatre admissions was well organized and was presented in a powerful way; and yet they failed in dissuading the city council from imposing the tax.

Do you know what kind of arguments the councilmen used? They spread some trade papers before the exhibitor representatives to show them reports of the millions of dollars the industry is collecting through theatres. They thus were able to kill the exhibitor arguments.

I see in the May 15 issue of *Daily Variety* the following headline "FILMS EARN \$204 MILLION." And below this a sub-headline: "Divvies in 1945 Reach \$32 Million." And under a Washington dateline, "Earnings of the film industry last year before taxes, totalled \$204,000,000 according to Department of Commerce figures released today. This is the second highest profit for the industry of all time. In 1944, the net was \$10,000,000 higher. . . ."

In addition to the publication of overall industry income figures, such as the foregoing, some of the trade papers publish regularly reports of weekly grosses and of daily receipts, which, as it has been said in these columns many times, are never of any value to the exhibitor except to lure him into paying big money for mediocre productions and, as proved in Philadelphia, to instigate the introduction of tax bills in city, state, and Federal legislatures. In most cases, the figures are grossly exaggerated for the purpose of impressing the independent exhibitors. But even though most exhibitors pay no heed to these exaggerated figures, they do come to the attention of tax-hungry legislators, who, when they find themselves in financial difficulties, readily turn to the motion picture industry for relief.

You, the exhibitors, will have as difficult a time in defeating local tax legislation as was had by the Philadelphia exhibitors so long as the trade papers persist in publishing dollar figures; and the producers, too, will have a harder time in their efforts to persuade the union people to be reasonable in their demands.

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A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XXVIII

SATURDAY, JUNE 15, 1946

No. 24

A Momentous Decision for Independent Exhibitors

On Tuesday, June 11, the long-awaited decision in the Government's New York anti-trust suit against the majors was handed down by the three-judge statutory court.

In the 73-page decision, written by Judge Augustus N. Hand, the presiding jurist, and concurred in by Associate Judges Henry W. Goddard and John Bright, the court held that the evidence submitted by the Government "established various infractions of the Sherman Act on the part of each of the defendants," and ordered that drastic changes be made in current trade practices so as to establish free and open competition.

A highlight of the decision is the provision enjoining a distributor-defendant from licensing a picture to other than its own theatres without first offering the license at a minimum rental for any run desired by the operator of each theatre within the competitive area and, ordering that, when so offered, the license for the desired run shall be granted to the highest responsible bidder, provided his theatre is of the sort that would present the picture to advantage. "In other words," states the court, "if two theatres are bidding and are fairly comparable the one offering the best terms shall receive the license." The court deems the "auction block" system of selling as "the only way competition may be introduced into the present system of fixed prices, clearances, and runs."

In the matter of theatre divorcement, the court held that complete divestiture of the defendants' theatre holdings would be unnecessary in view of the reforms in sales practices it has ordered, but it did order partial divorcement by ruling that the theatre-owning distributors shall, in cases where they hold less than a ninety-five per cent interest in a theatre, dissolve the joint ownership either by a sale to, or a purchase from, the co-owner, or by a sale to a party not one of the other defendant-exhibitors. In all such cases, the re-arrangement of such joint ownership shall be subject to the approval of the court, "for the purpose of restoring or creating a reasonable competition in the areas in question." (Editor's Note: According to the opinion, the dissolution of joint ownership will affect 1,292 of the 3,137 theatres in which the defendants own either a direct or indirect interest.)

The opinion held that the various infractions of the Sherman Act on the part of the defendants included: (1) the fixing of minimum admission prices; (2) the formation of formula deals, master agreements, and franchises; (3) the licensing of pictures under the block-booking system, which makes the licensing of one picture conditional upon an agreement to accept a license for one or more other pictures; (4) the maintenance of a uniform system of clearance and run; and (5) the pooling of theatres.

On the back page of this issue, there is reproduced the full text of the provisions that are set forth by the court for the entry of the final decree. Briefly it provides, in addition to partial divorcement and the bidding system of buying product, that the defendant-distributors shall be enjoined from (a) fixing minimum prices for admissions; (b) concertedly agreeing to maintain a system of clearances in restraint of trade; (c) furthering the performances of existing formula deals, master agreements, and franchises, and entering into similar agreements in the future; and (d) entering into, or continuing to perform, existing pooling agreements.

It furnishes also a list of factors to be used in determining reasonable clearance; eliminates clearance between theatres not in substantial competition; requires that exhibitors shall be enabled to compete for product on a parity, and that no exhibitor be discriminated against in favor of a theatre with greater buying power, or of old customers; provides for the arbitration of disputes regarding bids, clearances, and runs, as well as for an appeal board generally similar to the one created by the consent decree; and makes provision for the

Department of Justice to have reasonable access to the books and papers of the defendants.

There are many other highlights in the fine opinion written by Judge Hand, but lack of space prevents HARRISON'S REPORTS from giving to its subscribers at this time a studied analysis of the decision. In subsequent issues, however, this paper will discuss in detail the different highlights that are of interest to all independent exhibitors.

* * *

In connection with this opinion and decree, this paper has received the following night letter from Mr. Abram F. Myers, counsel for National Allied:

"I have not yet received the opinion but present advices indicate that the court in effect held distributors' entire method of doing business illegal. Among methods condemned are block-booking, blind-selling, and preferential deals with affiliated circuits such as pooling agreements, formula agreements, master contracts, and franchises. Contract provisions fixing minimum admissions were held to constitute illegal price-fixing. Since existing clearances are mostly geared to admission prices, effect was to hold such clearance illegal, but court also held (that) reasonable clearances were necessary and retained arbitration. This is the first great inconsistency.

"Whilst condemning (the) methods by which the defendants acquired their theatre monopoly the court refused to deprive (the) defendants of the fruits of their illegal practices and denied the Government's main objective, which was theatre divorcement. The provision that the defendants may acquire no additional theatres without express approval of the court is no adequate substitute for divorce-ment. This is the second great inconsistency. Leaving the great affiliated chains intact in view of the drastic orders against Crescent and Schine is the third great inconsistency and is calculated to make a monkey of the law.

"Defendants are allowed a free hand with respect to theatres in which they have a ninety-five per cent interest, but must sell films to all others on a competitive basis which would deprive Paramount partners of their special privileges. This (is) not only of doubtful workability but constitutes the fourth glaring inconsistency.

"In view of the Government's unyielding insistence on divorcement, (it) appears (a) foregone conclusion (that the) Government will appeal to Supreme Court, and defendants probably will take cross appeal if court's order were put into effect without modification or time to prepare for reforms (on the ground that) it would work havoc. But if case is appealed, final order will not be entered for at least a year during which time the industry must prepare for necessary adjustments.

"To sum up: The court held that (the) defendants claim that they have a legal method of doing business based on their copyrights is untrue (—) that the method is wholly illegal. The court has frozen the defendants' theatre holdings but has held that they do not need to dispose of those they now own, offering the competitive selling of films as a substitute for divorcement, a compromise the Government is unlikely to accept. Under the ruling, the exhibitors who have treble damage suits will have a bonanza, and the distributors may encounter difficulty in enforcing their contracts, (—) at least certain provisions of them. The preferences granted to affiliated theatres and discriminations against independents must cease. The independent exhibitors can (now) sleep nights without the nightmare of invasion by producer-owned theatres. Protection by cancellation will be afforded (those) independents who buy before pictures are tradeshow. The impact of other features of the decision on independent exhibitors will be studied by the Allied executive committee as soon as detailed analysis of the opinion can be made."

"Till the End of Time" with Dorothy McGuire and Guy Madison

(RKO, no release date set; time, 105 min.)

The fact that this drama has turned out to be an interesting entertainment is owed more to the fine acting than to the story itself. Its timely theme deals with the difficulties and uncertainties faced by returned war veterans seeking to readjust themselves to a routine, normal life, and with the importance of others helping to bring about such a readjustment through sympathetic understanding of the serviceman's problems. It is a serious treatment of a post-war condition, spoiled somewhat by an episodic story that takes too long to be told, and by characterizations that are not too clearly delineated. Although it is not a cheerless film, it is quite moody. All the main characters, however, are sympathetic, and a number of the situations will stir the emotions deeply. The romance between Dorothy McGuire, a war widow, and Guy Madison, a despondent veteran, is appealing. Except for a rousing barroom brawl towards the finish, the action is slow.

The story concerns itself chiefly with the restlessness of Madison following his return home after three years in the Marine Corps. Although welcomed by his parents, he finds it difficult to accustom himself to civilian life and becomes irritable over their failure to understand him, despite their sincere efforts to do so. He meets and falls in love with Dorothy, but his failure to understand that, due to the death of her soldier-husband, she, too, was going through a phase of adjustment, keeps them apart for a time. But he eventually turns to her for consolation and, under her sympathetic guidance and understanding of his problems, overcomes his discontent and prepares to make a new life for himself.

Worked into the plot also are the problems of two disabled ex-marines, Robert Mitchum, who comes out of the war with a recurring head injury, and Bill Williams, who had lost his interest in life after both his legs had been amputated. The manner in which both are spurred into finding the courage to face life anew is depicted dramatically.

Allen Rivkin wrote the screen play, based on the novel "They Dream of Home" by Niven Busch. Dore Schary produced it, and Edward Dymtryk directed it. The cast includes Tom Tully, William Gargan, Jean Porter, Ruth Nelson and others.

Unobjectionable morally.

"Crack-up" with Pat O'Brien, Claire Trevor and Herbert Marshall

(RKO, no release date set; time 93 min.)

An exciting melodrama; the action is fast and thrilling, and it holds the spectator in suspense throughout. Irving Reis, the director, has taken an average crook story and made an absorbing picture of it mainly by his skillful direction. And he is helped considerably by the competent performances of the players. The plot, which revolves around the efforts of art thieves to steal famous paintings and bilk insurance companies, possesses enough twists to keep the spectator continually wondering how it will all turn out. Pat O'Brien, as an art expert who is victimized by the thieves, and who goes through a series of hair-raising adventures before bringing them to justice, is given a role that suits his talents very well. The love interest is incidental but pleasant.

The story opens with O'Brien losing consciousness as he forces his way into the Contemporary Museum, in which he lectured. The police and several of the museum's directors take him in hand, and, when he comes to, he tells them that he had been in a train wreck. Informed that there had been no train wreck, O'Brien, bewildered, recalls the events earlier that evening. Following his art lecture, during which he had promised his listeners that, at the next lecture, he would have on hand for X-raying, a famous Gainsborough painting loaned by a British museum, he had received a telephone call that his mother was ill in a nearby town. En route, the lights of an oncoming train had held him spellbound. He recalled a crash, but could remember nothing until he woke up in the museum. When his condition is diagnosed as a mental crack-up due to a war injury, O'Brien determines to prove that he had been in a train wreck. He retraces his steps and uncovers information that he had been knocked out and carried off the train as a drunkard. Subsequent events convince him that, in promising to have the Gainsborough on hand for the next lecture, he had unwittingly interfered with the scheme of a gang of art thieves, in league with several of the directors, who had stolen the Gainsborough and had replaced it with a copy; the X-raying of the painting would have uncovered their scheme. His

efforts to track down the thieves and recover the painting involve him in several murders and almost costs him his life, but he eventually succeeds in bringing the culprits to justice. In this, he is aided by Herbert Marshall, another art expert, whom he suspected had been one of the thieves, but who was actually a Scotland Yard man assigned to recover the Gainsborough.

John Paxton, Ben Bengal and Ray Spencer wrote the screen play, suggested by a short story, "Madman's Holiday," by Frederic Brown. Jack J. Gross produced it. The cast includes Ray Collins, Wallace Ford, and others.

Unobjectionable morally.

"Smoky" with Fred MacMurray and Anne Baxter

(20th Century-Fox, July; time, 87 min.)

Produced once before by Fox in 1933, this second screen version of Will James' popular novel is a pleasant entertainment. It is by far superior to the earlier production because of its Technicolor photography, which, for the most part, enhances the beauty of the outdoor scenery. At times, however, the photography is poor; the faces of the players appear too "coppery." Some minor changes have been made in the plot, but the story remains substantially the same—that of the life and development of a beautiful wild colt, and of a ranch hand's devotion to the animal. The action unfolds in leisurely fashion, with occasional bursts of excitement having to do with the breaking-in of the temperamental colt. Although the story is told simply, one's interest is sustained throughout because of the several dramatic highlights and of its appeal to the emotions. The situation in which the horse drags his injured master to safety, being careful not to harm him, is stirring. Burl Ives, a singer of cowboy ballads, adds much to the entertainment values:—

Having roamed on the range for four years, Smoky, a wild stallion, is rounded up by Fred MacMurray, a roving cowboy, who drives him to the corral of the Rocking R Ranch. There, MacMurray is hired by Anne Baxter, the owner, to break in Smoky and other wild horses. As MacMurray gently but firmly breaks Smoky, a strong attachment develops between him and the animal. One day Bruce Cabot, MacMurray's wayward brother, comes to the ranch and cajoles MacMurray into recommending him to Anne for a job. Weeks later, MacMurray discovers that Cabot had forged his name to an I.O.U. to pay off a gambling debt; he orders him to leave the ranch. Infuriated, Cabot steals Smoky and abuses him. The animal, enraged, breaks loose, tramples Cabot to death, and escapes into the hills. Months later Smoky is captured by cowpunchers from a rodeo show, which takes him on tour as the world's wildest bucking bronc. Injured during one of the performances, Smoky is sold to a horse trader. From that time on he has one master after the other, sinking lower and lower until he is reduced to pulling a junk wagon. Meanwhile MacMurray had spent his time searching for Smoky. He eventually traces the horse to the junk dealer, buys him back, and returns him to the ranch. There, after proper care, Smoky regains his old spirit.

Lillie Hayward, Dwight Cummins, and Dorothy Yost wrote the screen play, Robert Bassler produced it, and Louis King directed it. The cast includes Esther Dale, Roy Roberts and others.

Unobjectionable morally.

"One Exciting Week" with Al Pearce

(Republic, June 8; time, 69 min.)

Just a mildly entertaining program comedy. It will try the patience of most audiences, for the story, which is a trite version of the loss-of-memory theme, is pretty thin and for the most part silly. The comedy situations are forced and the dialogue is stilted. And since the spectator knows in advance just what is going to happen and how the story will culminate, his interest in the proceedings is diminished. Some music has been worked into the picture; but it has no bearing on the story. The players struggle to make something of their parts, but the material puts them at a distinct disadvantage:—

Although Al Pearce, a war hero, had left town when he was five-years-old, the townspeople of Midburg prepare to welcome him home as a native son and collect \$10,000 to be presented to him as a gift. Meanwhile, in San Francisco, Pearce bids goodbye to Mary Treen, his sweetheart, and prepares to depart for Midburg. En route to the station he falls into the hands of three con-men (Jerome Cowan, Shemp Howard, and Pinky Lee). He sees through their scheme to trick him and, while in a fight with them, suffers a blow on the head and loses his memory. Discovering that

Pearce was a hero, and that he had now become an amnesia victim, Cowan and his pals convince Pearce that he was a notorious bank robber and, because of his resemblance to himself, talk him into "impersonating" the war hero as part of a scheme to steal the \$10,000 in Midburg. The con-men, posing as Pearce's war buddies, accompany him to Midburg, where the townspeople take them to their hearts. But the schemers soon find their plan back-firing when Pearce, still imagining himself to be a bank robber, becomes impatient with the celebrations in his honor and insists upon cracking the safe containing the \$10,000. Matters become complicated still further when Mary arrives in town. Lest she get to Pearce and upset their plans, the con-men frame Mary on a theft charge and see to it that she is jailed. When Pearce decides to wait no longer for the \$10,000, the con-men tie him up, blow the safe themselves, and make their getaway. Pearce, freeing himself, traces them to San Francisco and demands the money. Another fight ensues and this time another blow on the head restores his memory. The police arrive in time to take the crooks into custody, and Pearce, without realizing that he had been through an adventure, collects the money that rightfully belonged to him.

Jack Townley and John K. Butler wrote the screen play from a story by Dennis Murray, Donald H. Brown produced it, and William Beaudine directed it. The cast includes Arlene Harris, "The Teen-Agers" band and others.

Unobjectionable morally.

"Lover Come Back" with George Brent and Lucille Ball

(Universal, June 21; time, 90 min.)

A fairly amusing sophisticated comedy. There is nothing startling or original about the story, and at times one's interest lags because of the repetitious doings. But it will probably draw fairly well because of the popularity of Lucille Ball and George Brent, who display their ability at light comedy to good advantage. Both are capable enough to make somewhat silly situations seem quite comical. The story is the old one about a faithful wife who turns the tables on her philandering husband to make him jealous. The outcome is quite obvious, but it holds the spectator's attention because of the amusing way in which the action is developed. Charles Winninger, as Brent's father, a man with similar traits, provokes considerable laughter by his antics:—

Lucille, a top dress designer, wards off the many attempts by different men to date her, remaining faithful to her husband, Brent, a war correspondent overseas. When Brent returns, Lucille comes across conclusive evidence proving that he had been friendly with many women, particularly Vera Zorina, a photographer. They quarrel, and Lucille determines to teach him a lesson. She deliberately plants evidence about their apartment indicating that she was being visited by different men, and she encourages the attentions of Carl Esmond, an amorous co-designer. Her tactics drive Brent into a jealous rage and, after several more quarrels, she decides to go to Las Vegas for a divorce. By coincidence, Brent and Zorina are sent to Las Vegas by their publisher to do a layout of the town. Meanwhile Esmond, too, arrives in town to continue his pursuit of Lucille. All four stay at the same hotel. Although Lucille and Brent think wistfully of each other, both continue to provoke one another's jealousy. Their tactics result in a number of frantic mix-ups before Brent finally comes to the realization that Lucille was innocent of any wrongdoing and that he had been playing the fool.

Michael Fessier and Ernest Pagano wrote the original screen play and produced it. William A. Seiter directed it. The cast includes Raymond Walburn, Wallace Ford, Louise Beavers, Elisabeth Risdon, William Wright and others.

Adult entertainment.

"Faithful in My Fashion" with Tom Drake and Donna Reed

(MGM, no release date set; time, 81 min.)

A fair romantic comedy-drama, of program grade. There is nothing extraordinary about either the story or its treatment, but it has enough sentiment to strike a responsive chord in audiences that are not too critical about their screen entertainment. The picture's shortcomings are in the dialogue, which is cliché-ridden, and in the direction, which puts too much stress on the sentimentality. The comedy situations, though not hilarious, manage to be consistently amusing. The romance between Tom Drake and Donna Reed is pleasant, and the characters are all sympathetic; but because of the slowness of the action one's interest lags:—

Returning from the war for a two-week furlough prior to his discharge from the army, Sergeant Tom Drake hurries to the department store in which he had been employed to seek out Donna Reed, whom he still believed was a stock clerk and in love with him. Actually, Donna had become the head buyer and was engaged to Warner Anderson, a store official. She did not mean to mislead Drake by writing him faithfully while he was overseas, and now she did not have the heart to destroy the happiness of his furlough. She summons up enough courage to make a confession, but Edward Everett Horton and a few other co-workers persuade her to make Drake happy for two weeks by pretending to be in love with him and by concealing her promotion. They have a glorious time together and in due time Donna discovers that she truly loves him. She breaks her engagement to Anderson, but by chance Drake learns the true facts and refuses to believe her love. They quarrel and part, but Horton and his co-conspirators lure the two together again and, at the finish, they fall back in love.

Lionel Houser wrote the screen play and produced it, and Sidney Salkov directed it. The cast includes Spring Byington, Sig Ruman, Margaret Hamilton and others.

Unobjectionable morally.

"Three Wise Fools" with Margaret O'Brien, Lionel Barrymore, Lewis Stone, Edward Arnold and Thomas Mitchell

(MGM, no release date set; time, 90 min.)

If one can put himself in the mood, "Three Wise Fools" should prove to be a thoroughly enjoyable entertainment. It should certainly please the family trade. Half-fact and half-fantasy, its story about an eight-year-old Irish colleen, whose faith in fairies brings about the regeneration of three crafty, rich old bachelors, is told with considerable charm and heart appeal. The featured role, that of the little girl, is played by Margaret O'Brien in wonderful fashion; her performance is so good that she outshines the fine acting of the other distinguished actors in the cast. Some of the situations are very comical, and others are quite pathetic. The closing scenes, where the three hard-bitten, scheming old men become thoroughly ashamed of themselves for having shaken Margaret's belief in fairies, then make public spectacles of themselves to restore her belief, offers laughter and tears in plentiful quantities.

Opening as a fantasy, the story begins with an ancient leprechan (Harry Davenport) relating a story to the younger ones to convince them that human creatures existed. He tells them of the love three young men had for the same girl, and of their unsuccessful efforts to foil her elopement to an Irish troubador, who had placed on them an Irish curse—that their ambitions come true. Forty years later, the curse had worked: Lionel Barrymore had become a famous doctor, Lewis Stone, a judge, and Edward Arnold, a millionaire banker. All three, bachelors, lived together, selfishly engrossed in their own interests. To further their popularity in town, the trio had donated a piece of property to a local college as a site for a Greek theatre. Shortly thereafter, Margaret, accompanied by Thomas Mitchell, her man-servant, had come to their home from Ireland and had introduced herself as the granddaughter of their long lost love, whose dying wish was that they become her guardians. The old men had turned Margaret away, but they soon changed their minds when they discovered that, through a mix-up, they had made a gift of property that belonged to the child. Lest they be ridiculed for the error, the trio had become her guardians and had resorted to all sorts of tricks to get Margaret to hand over the deed. But the child had refused because the building plans called for the removal of an oak tree, which she believed was inhabited by leprechans, who would be left without a home. As a last resort, the trio had hired a troupe of midgets to act as leprechans and to inform Margaret that they were moving to a new home because the tree was dying. Convinced, Margaret had turned over the deed, only to learn later that she had been tricked. The disillusioned child had run away to a convent to become a nun, and the sister superior (Jane Darwell) had called on the old men to express her opinion of them for shattering the dreams and beliefs of the child. Ashamed, and by this time in love with Margaret, the trio had used their influence and money to buy back the property, and had belittled themselves publicly to restore her faith in humans and in fairies.

John McDermott and James O'Hanlon wrote the screen play based upon the play by Winchell Smith. William H. Wright produced it, and Edward Buzzell directed it. The cast includes Henry O'Neill, Charles Dingle, Ray Collins and others.

FULL TEXT OF THE PROVISIONS FOR A FINAL DECREE

A decree is granted in accordance with the views expressed in the foregoing opinion to be settled on ten days' notice. It should provide for the dismissal of all claims asserted by the plaintiff against any of the defendants which act only as producers of motion pictures and for the dismissal of claims against any other defendants based on their acts as producers, whether as individuals or in conjunction with others.

The granting of licenses by any of the defendant-distributors which fix minimum prices for admission to theatres either of the defendants or of any other exhibitor should be enjoined in which such minimum admission prices are fixed by the parties either in writing, or through a committee, or through arbitration, or upon the happening of any event, or in any other wise.

The defendants should be enjoined from concertedly agreeing to maintain a system of clearances as among themselves or with other exhibitors, and no clearances should be granted against theatres in substantial competition with the theatre receiving a license for exhibition in excess of what is reasonably necessary to protect the licensee in the run granted. Existing clearances in excess of what is reasonably necessary to protect the licensees in the runs awarded to them shall be invalid *pro tanto*. In determining what is a reasonable clearance the following factors should be taken into consideration:

(1) The admission prices of the theatres involved, as set by the exhibitor;

(2) The character and location of the theatres involved, including size, type of entertainment, appointments, transit facilities, etc.;

(3) The policy of operation of the theatres involved, such as the showing of double features, gift nights, give-aways, premiums, cut-rate tickets, lotteries, etc.;

(4) The rental terms and license fees paid by the theatres involved and the revenues derived by the distributor-defendant from such theatres;

(5) The extent to which the theatres involved compete with each other for patronage;

(6) The fact that a theatre involved is affiliated with a defendant-distributor or with an independent circuit of theatres should be disregarded; and

(7) There should be no clearance between theatres not in substantial competition.

The further performance by any of the defendants of existing formula deals, master agreements to the extent that we have previously found them invalid, or franchises should be enjoined, and the defendants should also be enjoined from entering into or carrying out any similar agreements in the future.

Defendants owning a legal or equitable interest in theatres of ninety-five per cent or more either directly or through subsidiaries may exhibit pictures of their own or of their wholly owned subsidiaries in such theatres upon such terms as to admission prices and clearances and on such runs as they see fit.

No defendant or its subsidiaries shall exhibit its films other than on its own behalf or through wholly owned subsidiaries in which it has an interest of at least ninety-five per cent, without offering the license at a minimum price for any run desired by the operators of each theatre within the competitive area. The license desired shall in such case be granted to the highest responsible bidder having a theatre of a size and equipment adequate to show the picture upon the terms offered. The license shall be granted solely upon the merits and without discrimination in favor of affiliates, old customers, or any person whatever. Each license shall be offered and taken theatre by theatre and picture by picture. No contracts for exhibition shall be entered into, or if already outstanding shall be performed, in which the license to exhibit one feature is conditioned upon the agreement of the licensee to take a license of one or more other features, but licenses to exhibit more than one feature may be included in a single instrument provided the licensee shall have had the opportunity to bid for each feature separately and shall have made the best bid for each picture so included. To the extent that any of the pictures have not been trade-shown prior to the granting of a license for more than a single picture, the licensee shall be given by the licensor the right to reject a percentage of such pictures not trade-shown prior to the granting of the license to be fixed by the decree. But that right to reject any picture must be exercised within

ten days after there has been an opportunity afforded to the licensee to inspect it.

The defendants shall be enjoined from entering into or continuing to perform existing pooling agreements whereby given theatres of two or more exhibitors, normally in competition, are operated as a unit or whereby the business policies of such exhibitors are collectively determined by a joint committee, or by one of the exhibitors, or whereby profits of the "pooled" theatres are divided among the owners according to pre-agreed percentages. They shall also be enjoined from making or continuing to perform agreements that the parties may not acquire other theatres in the competitive area without first offering them for inclusion in the pool. The making or continuance of leases of theatres under which defendants lease any of their theatres to another defendant or to an independent operating a theatre in the competitive area in return for a share of the profits shall be enjoined.

Each defendant shall cease and desist from ownership of an interest in any theatre, whether in fee or in stock or otherwise, in conjunction with another defendant-exhibitor. Each defendant shall cease and desist from ownership, jointly with an independent, of an interest in any theatre, greater than five per cent, unless such a defendant's interest is ninety-five per cent or more; and where the interest of such defendant is more than five per cent and less than ninety-five per cent, such joint interests shall be dissolved either by a sale to, or by a purchase from, such co-owner or co-owners. Rearrangements of such joint interests with an independent, if by purchase, shall, however, be subject to the discretion of this court so that their effectuation may promote competition in the exhibition of motion pictures. Where a defendant owns a ninety-five or greater per cent interest in any theatre, such theatre may be considered as its own so far as this opinion and the decree to be entered hereon are concerned. Each of the defendants shall be enjoined from expanding its theatre holdings except for the purpose of acquiring a co-owner's interest in jointly owned theatres, and this only in cases where the court shall permit such acquisition, instead of requiring an outright sale of the undivided interest of the defendant in question. The foregoing provision as to divestiture of partial interests in theatres shall apply both to interests held in fee and beneficially and to those represented by shares of stock. But it shall not prevent a defendant from acquiring theatres or interests therein in order to protect its investments, or in order to enter a competitive field; if in the latter case, this court or other competent authority shall approve the acquisition after due application is made therefor.

Each defendant shall be enjoined from operating, booking or film-buying through any agent who is also acting in such matters for any other exhibitor, independent or affiliated.

The decree shall also provide for arbitration of disputes as to bids, clearances, runs, and any other subjects appropriate for arbitration in respect to all parties who may consent to the creation of such tribunals for adjustment of such disputes. It shall also provide for an appeal board generally similar to the one created by the consent decree as to any parties consenting thereto. It shall make such disposition of the provisions of the existing consent decree signed November 30, 1940, as may be necessary in view of the foregoing opinion.

In order to secure compliance with the decree to be entered, duly authorized representatives of the Department of Justice shall on the written request of the Attorney General or the Assistant Attorney General in charge of anti-trust matters, and on reasonable notice to the defendant or defendants affected, be permitted reasonable access to all books and papers of the defendants and reasonable opportunity to interview their officers or employees, as provided in Section XVIII of the Consent Decree.

Proceedings under the decree to be entered shall be stayed pending appeal or for the purpose of enabling the parties to adjust their business without an unfair burden or as practice may require upon such terms as the decree shall provide.

Jurisdiction of this cause shall be retained for the purpose of enabling any of the parties to the decree to apply to the court at any time for such orders or directions as may be necessary or appropriate for the construction or carrying out of the same, for the enforcement of compliance therewith, and for the punishment of violations thereof, or for other or further relief.

Findings should be proposed by the parties for the assistance of the court, but such proposed findings will form no part of the record.

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AL STEFFES

A great motion picture industry pioneer has passed away. He will long be remembered, not only by exhibitors, but also by every distributor he had come in contact with, because he was a distinctive character.

He was rough in his social relations with his friends, but that was only an assumed roughness, for under that rough exterior he was hiding one of the most tender hearts any human being ever possessed.

Al Steffes was a man. His friends and admirers were legion. No one could be near him without coming under the spell of his great personality.

To me, the passing away of Al Steffes is a great personal loss, for our friendship began twenty-seven years ago, and it was destined to last as long as there was life in either of us.

Rest in peace, my friend! You may have gone away, but you will be ever present in the thoughts of all those of us who knew you and loved you.

AN ANALYSIS OF THE COURT'S OPINION

Beginning with this issue, HARRISON'S REPORTS will present a layman's analysis of the court's opinion in the New York anti-trust suit, some of the details of which were treated in last week's issue. The purpose of this analysis is to give the layman a clear understanding of such parts of the opinion as may seem ambiguous to him because of the legalistic language, and to discuss such questions as are of interest to all exhibitors. Where the court's language is clear, it will be published verbatim.

Price-fixing

After giving the distributors' point of view as to the necessity of fixing minimum admission prices, the court states that, no matter what the reasons, price-fixing agreements among all the distributor-defendants, as well as between them and individual exhibitors, is forbidden by the Sherman Act. "A correlation of these agreements shows that in many instances the minimum prices set forth in the license agreements by the various defendants are in substantial conformity."

To the assertion of the defendants that the minimum prices put into the contract are the prices that the exhibitor charges to the public, the court answers: "It does not seem important whether the distributor was the more controlling factor in determining the minimum admission prices. Whether it was such a factor or merely acceded to the customary prices of the exhibitors, in either event there was a general arrangement of fixing prices in which both distributors and exhibitors were involved. But it is plain that the distributor did more than accede to existing price schedules. The licenses required them to be maintained under severe penalties for infraction, and the evidence shows that the distributors in the case of exceptional features, where not satisfied with current prices, would refuse to grant licenses unless the prices were raised. More-

over, the distributors, when licensing on a percentage basis, were interested in the prices charged and even when licensing for a flat rental were interested in admission prices to be charged for subsequent runs which they might license on a percentage basis. . . ." In other words, the court says, in the opinion of this analyst, that the distributors were interested in maintaining prices even when the contracts were flat rental, because they might want to rent that same picture to subsequent-run exhibitors in that locality on a percentage basis, and any lowering of admission prices in those theatres might hurt their revenue from subsequent percentage runs.

"... Likewise all of the major defendants had a definite interest in keeping up prices in any given territory in which they owned theatres, and this interest they were safeguarding by fixing minimum admission prices in their licenses when distributing their films to independent exhibitors in those areas. . . .

"... Even if the licenses were at a flat rate, a failure to require their licensees to maintain fixed prices would leave them free by lowering the current charge to decrease through competition the income in the licensors' own theatres in the neighborhood. . . ."

This, in my opinion, means that, even in the case of flat rental contracts, the distributors put into them provisions controlling minimum admission prices, because, if they did not, the independent exhibitor would be free to lower his admission prices to attract patrons to his own theatre, thus hurting the income of the distributor's theatres in the neighborhood. With an independent exhibitor's admission prices controlled, the distributor was enabled to reduce the competition against his own theatres.

"... The whole system presupposed a fixing of prices by all parties concerned in all competitive areas."

By presenting a chart, compiled from distributor answers to questions put by the Government lawyers and from exhibits, the court proves that the specified admission prices prescribed in the same theatres in the distributor-defendants' contracts for licenses were similar, and often identical.

"... Such uniformity of action spells a deliberately unlawful system, the existence of which is not dispelled by the testimony of interested witnesses that one distributor does not know what another distributor is doing; and there can, in our opinion, be no reasonable inference that the defendants are not all planning to fix minimum prices to which their licensees must adhere.

"In addition, several of the exhibits disclose operating agreements between the five distributor-defendants who are also theatre owners, or between them and independent theatre owners in which joint operation of the theatres covered by the agreements is provided and minimum admission prices to be charged are either stated therein, or are to be jointly determined by other means. . . .

"As further evidence of a conspiracy among the distributors to fix prices, we find master agreements and franchises between various of the defendants in their capacities as exhibitors. These contracts stipulate minimum admission prices often for dozens of theatres owned by an exhibitor-defendant in a particular area of the United States. . . .

(Continued on last page)

"Deadline for Murder" with Kent Taylor and Sheila Ryan

(20th Century-Fox, August; time, 65 min.)

A moderately entertaining program murder-mystery melodrama, with enough excitement to satisfy the undiscriminating action fans. The plot, however, is so involved and muddled that the spectator does not know what it is all about; and for that reason it fails to create the sort of suspense that is generally associated with pictures of this type. The story is lacking in human appeal, and the characters, by their actions, fail to arouse one's sympathy. The interest is weakened also by the fact that, for the sake of comedy, there are injected into the plot too many by-plays. Whatever interest the spectator may have in the picture will be owed to the performances of the players, who rise above the poor material:—

When Joan Blair discovers the disappearance of a valuable document, which belonged to her husband, an oil tycoon, and which was sought by foreign interests, she communicates with Kent Taylor, a gambler and man-about-town, to request his aid. She informs him that Leslie Vincent, her stepson, had pocketed his father's gun and had left the house determined to retrieve the document. She feared for his safety. Learning that the young man had been associating with Marion Martin, entertainer in a gambling club operated by Jerome Cowan and Andre Charlot, and that he had been mixed up with Edward Marr, a petty thief, Taylor traces Vincent to Marion's apartment where he finds him drugged. He goes to the club, arriving just as Renee Carson, a mystery woman, exits from Charlot's office. He goes in and finds Charlot murdered, clutching in one hand an empty envelope that had contained the missing document. Taylor trails Renee to the hotel but she refuses to reveal any information about herself. Detective Paul Kelly, investigating Charlot's murder, interests himself in the search for the document. He follows Taylor through a series of adventures, during which both Marion and Marr are found murdered, and at different times finds reason to suspect Taylor of the killings and at other times finds it necessary to protect his life. Meanwhile Sheila Ryan, a newspaperwoman, attaches herself to Taylor and Kelly, and both find it necessary to keep her confined lest she break the story and hurt their chances of solving the case. The mystery is eventually cleared up when it is discovered that Cowan had stolen the document and had committed the murders; he had intended to turn the document over to Renee, who represented foreign interests. The case solved, Sheila and Taylor, by this time in love, decide to marry.

Irving Cummings, Jr. wrote the original screen play, Sol M. Wurtzel produced it, and James Thimig directed it. Adult entertainment.

"The Bamboo Blonde" with Frances Langford and Russell Wade

(RKO, no release date set; time, 68 min.)

Handicapped by a thin story that has been done countless times, this romantic comedy-drama, with music, is just moderately entertaining program fare. The plot's familiarity weakens one's interest in the outcome. Frances Langford and Russell Wade strive to make something out of their parts, but they are hindered by the loosely constructed screen play, which has been given a light treatment but does not quite succeed in being as comical as intended. Miss Langford's pleasant singing provides the film with several engaging moments, and her current popularity on the radio may be of help at the box-office. The romantic interest is appealing:—

Prior to his departure overseas, Lt. Russell Wade, an army flier and wealthy socialite, has a chance meeting with Frances Langford, a night-club singer, and spends an evening of innocent fun with her. His crew members assume that they were sweethearts and, after arriving at their base, decide to please Wade by painting Frances' portrait on their plane and christening it "The Bambo Blonde." When the crew's heroic exploits make the headlines, Ralph Edwards, owner of the night-club, is quick to take advantage of the

headlines to bring fame to his club and to Frances, and to help the publicity he encourages rumors of a romance between Frances and Wade. "The Blonde Bomber" is ordered back to the United States for a bond tour, and Frances, uneasy about the rumors Edwards had spread, goes to the airport to meet "her hero." Wade, understanding her reluctance to "cash in" on his bravery, falls in love with her. But Jane Greer, a snobbish socialite, to whom Wade had been engaged, determines to break up the romance. Pretending friendship, she slyly convinces Frances that her marriage to Wade would not work out because of their different social positions. Her efforts prompt Frances into breaking her engagement to Wade. But the young man, seeing through Jane's tricks, lures Frances to his home, where a hearty welcome from his parents makes it quite clear that they wanted her for a daughter-in-law.

Olive Cooper and Lawrence Kimble wrote the screen play based on a story by Wayne Whittaker. Herman Schlom produced it, and Anthony Mann directed it. The cast includes Iris Adrian, Richard Martin and others.

Unobjectionable morally.

"Crime of the Century" with Stephanie Bachelor and Michael Browne

(Republic, Feb. 28; time, 56 min.)

In spite of the fact that the plot is somewhat illogical and its development leaves too many loose ends, this program mystery melodrama shapes up as a fairly interesting supporting feature, although it is a rather sordid entertainment. Revolving around an ex-convict's efforts to find his brother, a newspaperman, who had disappeared while on the verge of exposing an unscrupulous scheme to suppress news of a financier's death, the plot has a fair share of suspense and several exciting situations. The cast means little at the box-office, but the performances are good. Michael Browne, a newcomer, gives a good account of himself as the tough hero. One sequence, in which the body of the dead financier is shown packed in ice in a bathtub, is gruesome:—

Just released from prison, Michael Browne telephones his brother, Ray Walker, a newspaperman, and arranges to meet him at a cafe for a reunion. When Walker fails to show up, Browne, tired of waiting, goes to his apartment. There he finds Stephanie Bachelor, an exotic woman, who claimed to be a close friend of Walker's. She informs him that Walker had been called out of town on an important story. But when his brother fails to return the following day Browne communicates with his editor, who advises him to inquire at the home of Frederick Howard, a business tycoon, whose alleged illness Walker had been investigating for his paper. Browne goes to the sumptuous residence and is told by a nurse that Walker had not been there for a week. He tries to see Howard, but is told that he was permitted no visitors. He becomes suspicious when Betty Shaw, Howard's daughter, confides to him that Walker had been in the house the day previously, and that she, too, was not permitted to see her father. As Browne leaves, Stephanie appears and reveals that she was Howard's secretary. She takes an interest in Browne and cleverly leads him to believe that there was nothing unusual about his brother's absence. Actually, Stephanie, in league with Paul Stanton, Howard's partner, was holding Walker as their prisoner to keep him from revealing that Howard was dead. They sought to keep the death a secret until after a stockholders' meeting so that Stanton could gain control of the business. Different sinister events rouse Browne's suspicions once again, and he starts an investigation of his own. Despite efforts to confuse him and an attempt to kill him, Browne succeeds in learning the truth in time to save his brother from harm. Stephanie decides to confess to the police but Stanton determines to stop her. She shoots Stanton, who, in turn, shoots her dead before he dies.

Oleta Rhinehart and William Hagens wrote the story, and Mr. Hagens collaborated on the screen play with Gertrude Walker. Walter H. Goetz produced it, and Philip Ford directed it.

Adult entertainment.

"Dangerous Business" with Forrest Tucker and Lynn Merrick

(Columbia, June 20; time, 59 min.)

Columbia has come forward with another bore. It is a program crook melodrama with the accent on the comedy, but it offers little either to retain one's interest or to provoke one's laughter. As a matter of fact, the greater part of the story is so silly that it becomes tiresome. Some spots are exceedingly draggy. There is no human interest, and the characters are not of the type to arouse sympathy. Modest production values, and a cast that means little at the box-office, relegate this to the lower half of a mid-week double bill in secondary theatres:—

Lynn Merrick and Forrest Tucker graduate from law school together and open an office in partnership. They are literally without business until Gus Schilling, an underworld character who had their interests at heart, informs them that Thurston Hall, president of a utilities company, had been framed by his own lawyer on an embezzlement charge. They take on the job of defending Hall, but find themselves financially unable to bail him out of jail. Schilling, however, arranges with Cora Witherspoon, Lynn's mother, to mortgage her home and, with additional money borrowed from Gerald Mohr, another underworld character, bails out Hall and takes him to Lynn's home. The crooked lawyer, however, manages to kidnap Hall. Lynn and Tucker search in vain for him. Schilling, to save the bail money, steals a body from the morgue, planning to have it identified as Hall's. Tucker tries to stop him only to find himself charged with murder when the police catch him with the body. Meanwhile Lynn's mother, learning where Hall was being held, goes there and is kidnapped herself. After a series of events, in which Tucker escapes from the police, every one converges on the hideout, where they rescue Miss Witherspoon and Hall, and capture the kidnappers. It all ends with Hall cleared of the embezzlement charge, and with Lynn and Tucker engaged as his lawyers, enabling them to marry.

Hal Smith wrote the screen play from a play by Harry J. Essex. Ted Richmond produced it, and D. Ross Lederman directed it. The cast includes Shemp Howard, Frank Sully, Matt Willis and others. Unobjectionable morally.

"Strange Voyage" with Eddie Albert

(Monogram, July 6; time, 61 min.)

This adventure melodrama, revolving around a search for hidden gold, is a fair program entertainment of its kind. Its strange story about a treasure hunt in a Mexican desert is a rambling affair, frequently incredulous, but good performances by the cast and the interesting backgrounds hold one's interest to a fair degree. It has several moments of suspense, too. These are brought about by the hazards the adventurers encounter in the desert, and by the machinations of the villains, who attempt to make off with the treasure, leaving the hero stranded without food or water. Most of the excitement is concentrated in the closing scenes, where the hero outwits his villainous associates in the midst of a raging sandstorm:—

Eddie Albert, an adventurer, charts a sailing boat for a trip down the coast of Lower California. The crew, including Ray Teal, Matt Willis, Daniel Kerry and Martin Garralaga, sign aboard without knowing their destination. When Albert discovers Bobby Cooper, a stowaway, and permits him to remain aboard, Garralaga, the superstitious cook, predicts three violent deaths. Shortly afterwards, a whale sideswipes the ship and Kerry is thrown overboard and killed by sharks. The jittery crew demands to know their mission, and Albert shows them an old map indicating the location of a treasure buried in the Mexican desert in the 16th Century. On the eve of the search, Elena Verdugo, a Mexican girl, warns them that others who had searched for the gold had died of thirst and madness. After three scorching days, Albert succeeds in locating the gold, but not before Garralaga goes mad and dies. Meanwhile Teal and Willis hide the water supply in a plot to steal the gold and to allow Albert and Bobby to die in the desert. Albert discovers their scheme and, in the fight that ensues, kills Willis.

While he struggles with Teal, a sandstorm covers all traces of the treasure. Elena comes to the rescue of Albert and Bobby, who return to California to plan a second expedition to remove the gold.

Andrew Holt wrote the original screen play, Louis B. Appleton, Jr. produced it, and Irving Allen directed it. Unobjectionable morally.

"Inside Job" with Preston Foster, Alan Curtis and Ann Rutherford

(Universal, June 28; time, 65 min.)

Well produced, directed and acted, but the story is somewhat demoralizing. It is of the "cheating cheaters" type, showing one of the principals planning and committing a robbery and getting away with it. In the last reel, of course, the crook reforms and pays for his crime, but showing him to become a good fellow in the end does not offset the harm done in the first five reels. The only redeeming feature is the fact that this time the watchman is not murdered, as is usually the case with crook pictures. The settings are attractive, and the photography sharp and pleasing to the eye:—

Alan Curtis had taken the "rap" to save Preston Foster, master mind of crooks, from arrest. With Ann Rutherford, his wife, he obtains a job at a department store, determined to turn over a new leaf. But Foster finds him and threatens to expose his past unless he agrees to rob the store. Embittered, Alan commits the robbery but double-crosses Foster by retaining the loot. He then goes into hiding with Ann and offers a truck driver a large sum of money to take them out of town secretly. The truck driver, however, double-crosses Curtis by revealing his hiding place to Foster for more money. Foster goes to the hideout to take the loot away, but when Curtis refuses to open the door he begins shooting at the lock. At that moment, a policeman, residing in the same house, comes upon Foster and starts a gun fight in which both are wounded. Foster dies and the policeman becomes unconscious. Ann and Curtis pack to leave, but when they see the policeman's five-year-old son, whom they had befriended, standing by his father's body, they relent. They administer first aid to the wounded man and send for a doctor. Meanwhile both are arrested. At the trial, the judge acknowledges their good deed, but sentences them just the same because the law required that they pay for their crime.

Tod Browning and Garrett Ford wrote the story, George Bricker and Jerry Warner the screenplay. Jean Yarbrough produced and directed it. Adult entertainment.

ALLIED REFUTES ATA'S CLAIM

(Continued from back page)

"Modesty and a desire on the part of Allied of Illinois not to take their due credit for the important part it played in the final outcome of the tax matter prompted us to withhold trade paper comment so that eventually credit would be given where credit is due. What this particular trade paper has undoubtedly overlooked is the fact that the various theatre groups in and around the City of Chicago held numerous and frequent meetings outlining a program in defeat of the tax and the joint efforts of these groups were responsible for the successful outcome.

"Not minimizing the valuable assistance rendered by the down-state theatres in helping to combat the tax it might be well to point out the fact that the major effort which resulted in its eventual defeat stormed from Chicago through the joint cooperation between Allied, Balaban & Katz, Warner Bros., Essaness, Schoenstadt and R.K.O. theatres.

"Allied of Illinois has and always will continue to cooperate with other local elements of the motion picture industry in matters of common concern to the theatres such as the recent tax problem but it will not tolerate the implication that A.T.A. alone represented the exhibitors of Illinois. That is farthest from the truth. Naturally, we welcome the assistance of any organized group in matters of adverse legislation, etc., but it is obvious that A.T.A. used the recent tax fight as a means of furthering their own interests."

"Licenses granted to one defendant by another for exhibition in only one theatre, while less striking evidence of conspiracy than the above master agreements and franchises, disclose the same inter-relationship among the defendants. Each of the five major defendants as a theatre-owning exhibitor has been licensed by the other seven defendants to exhibit the pictures of the latter at specified minimum prices. . . .

"It is a reasonable inference from all the foregoing that the distributor-defendants have acquiesced in the establishment of a price-fixing system and have conspired with one another to maintain prices. Such a conspiracy is *per se* a violation of the Sherman Act. . . .

"Moreover, irrespective of the conspiracy among distributors to which we have referred, each distributor-defendant has illegally combined with its licensees, for in agreeing to maintain a stipulated minimum admission price, each exhibitor thereby consents to the minimum price level at which it will compete against other licensees of the same distributor whether they exhibit on the same run or not. The total effect is that through the separate contracts between the distributor and its licensees a price structure is erected which regulates the licensees' ability to compete against one another in admission prices. Each licensee knows from the general uniformity of admission price practices that other licensees having theatres suitable for exhibition of a distributor's picture in the particular area will also be restricted as to maintenance of minimum prices, and this acquiescence of the exhibitors in the distributor's control of price competition renders the whole a conspiracy between each distributor and its licensees. An effective system of price control in which the distributor and its licensees knowingly take part by entering into price-restricting contracts is thereby created. That the combination is made up of a sum of separate licensing contracts, individually executed, does not affect its illegality, for tacit participation in a general scheme to control prices is as violative of the Sherman Act as an explicit agreement. . . ."

In other words, even an independent exhibitor, by agreeing to maintain a minimum admission price specified in the contract, becomes a party to a violation of the Sherman Act.

". . . This practice of stipulating minimum admission prices in the contracts of license is illegal in another respect. The differentials in price set by a distributor in licensing a particular picture in theatres exhibiting on different runs in the same competitive area are calculated to encourage as many patrons as possible to see the picture in the prior-run theatres where they will pay higher prices than in the subsequent runs. The reason for this is that if 10,000 people of a city's population are ultimately to see the picture—no matter on what run—the gross revenue to be realized from their patronage is increased relatively to the increase in numbers seeing it in the higher-priced prior-run theatres. In effect, the distributor, by the fixing of minimum prices, attempts to give the prior-run exhibitors as near a monopoly of the patronage as possible. This, we believe, to be in violation of §2 of the Sherman Act, at least when the distributor's own theatres are not exhibiting its picture on a prior-run and it is to theatres other than its own that it attempts to give a monopoly.

"It is argued that the practice of minimum admission price-fixing is permitted under the Copyright Act. But that act has never been held to sanction a conspiracy among licensors and licensees artificially to maintain prices. We do not question that the Copyright Act permits the owner of a copyrighted picture to exhibit it in its own theatres upon such terms as it sees fit, nor need we now decide whether a copyright owner may lawfully fix admission prices to be charged by a single independent exhibitor for the exhibition of its film, if other licensors and exhibitors are not in contemplation. . . .

"The foregoing holding that the defendants have all engaged in unlawful price-fixing does not prevent the distributors from continuing their present methods of determining film rentals; they may measure their compensation by stated sums, by a given percentage of a particular theatre's receipts, by a combination of these two, or by any other appropriate means. What is held to be violative of the Sherman Act is not the distributors' devices for measuring rentals, but their fixing of minimum admission prices which automatically regulates the ability of one licensee to compete against another for the patron's dollar and tends to increase such prices as well as profits from exhibition.

"If the exhibitors are not restrained by the distributors in the right to fix their own prices, there will be an opportunity for the exhibitors, whether they be affiliates or independents, to compete with one another. This is because one exhibitor by lowering admission prices will be able to compete with other exhibitors in obtaining patrons for his theatre—a competition which may well benefit both exhibitors and the public paying the admission fees."

In plain talk, the court says that the fixing of minimum admission prices in license agreements is illegal.

THE INTELLIGENT POINT OF VIEW

In an interview given to Robert E. Welsh, editor of *Box Office Digest*, Steve Broidy, president of Monogram Pictures, is quoted as having said regarding the foreign market:

"If six pictures, properly chosen for the particular market, and undoubtedly of the company's top quality as entertainment, will bring gross returns equalling, and probably exceeding, the gross earned by volume selling of a couple of dozen pictures comprising a company's entire output, then there are many points of advantage to the outlook. The situation will demand more intelligent choice of story material, increased efficiency in picture-making. Those are the factors that should have a beneficial effect on a company's domestic activities."

For years HARRISON'S REPORTS has been advocating the sending abroad of the best product a company produces, for it felt, just as Mr. Broidy feels, that a few good pictures can bring in more money than a company's entire product. In addition, such a procedure will keep away from the foreign market pictures that present a distorted view of American life and character.

Mr. Broidy, however, presents also a new angle: he says that, if six choice pictures out of a company's entire product bring in as much income from the foreign market as the company's entire product used to bring, then it is time that the producers realized that they should improve their product at home, so that more good pictures may bring greater box-office returns, not only to themselves, but also to the exhibitors.

Mr. Broidy is an alert young executive and he seems to have a fresh point of view as to production, distribution and exhibition. His recent successful trip abroad has instilled new enthusiasm into him and the industry will do well to watch him.

ALLIED REFUTES ATA'S CLAIM OF TAX VICTORY IN ILLINOIS

Jack Kirsch, president of National Allied and of Allied Theatres of Illinois, has sent this office the following bulletin:

"From articles which appeared in recent issues of one of the trade papers one is led to believe that the A.T.A. (American Theatres Association) was the sole champion in the recent campaign to defeat the proposed 10% theatre admission tax which met its demise in the Illinois State Legislature. By implication, it would seem that the exhibitors in the State of Illinois were left helpless in the tax fight and that the United Theatre Owners of Illinois had to make a call to the A.T.A. to help save the exhibitors from disaster. (Continued on inside page)

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AN ANALYSIS OF THE COURT'S OPINION—No. 2

(From a Layman's point of view)

Clearance and Run

Answering the Government's contention that clearance practices "inherently operate to produce unreasonable restrictions of competition among theatres and are therefore *per se* violative of the Sherman Act," the court declares that it disagrees with this contention because, in its opinion, "a grant of clearance, when not accompanied by a fixing of minimum prices or not unduly extended as to area or duration, affords a fair protection to the interests of the licensee without unreasonably interfering with the interests of the public." It considers reasonable clearance provisions as "no more than safeguards against concurrent or subsequent licenses in the same area until the exhibitor whose theatre is involved has had a chance to exhibit the pictures licensed without invasion by a subsequent exhibitor at a lower price. . . . While clearance may indirectly affect admission prices, it does not fix them and is, we believe, a reasonable restraint permitted by the Sherman Act."

In other words, the court recognizes that clearance, reasonable as to time and area, is an essential and equitable practice.

But the court recognizes also the fact that, in some instances, the large circuits, both affiliated and independent, have used their great film-buying power to negotiate successfully with the defendants for unreasonable clearances and unjustified runs. On the other hand it points out that it could not find sufficient evidence to indicate that the defendants, in granting such unreasonable clearances and unjustified runs, collectively or severally entered upon a general policy of discriminating against independents. Yet, on the basis of testimony by the defendant's witnesses, including general sales managers and heads of the affiliated circuits, the court did find that they acted in concert in acquiescing in, and forwarding, a uniformed system of clearances, which, in numerous instances, was maintained on an unreasonable basis to the prejudice of independents. In this respect, the court held that the defendants had violated the Sherman Act.

After citing testimony to show that the distributor-defendants acted in concert in their grants of run and clearance, the court states:

"The evidence we have referred to shows that both independent distributors and exhibitors when attempting to bargain with the defendants have been met by a fixed scale of clearances, runs, and admission prices to which they have been obliged to conform if they wished to get their pictures shown upon satisfactory runs or were to compete in exhibition either with the defendants' theatres or with theatres to which the latter have licensed their pictures. Under the circumstances disclosed in the record there has been no fair chance for either the present or any future licensees to change a situation sanctioned by such effective control and

general acquiescence as have obtained. . . . The only way competition may be introduced into the present system of fixed prices, clearances and runs is to require a defendant when licensing its pictures to other exhibitors to make each picture available at a minimum fixed or percentage rental and (if clearance is desired) to grant a reasonable clearance and run. When so offered, the licensor shall grant the license for the desired run to the highest bidder if such bidder is responsible and has a theatre of a size, location, and equipment to present the picture to advantage. In other words, if two theatres are bidding and are fairly comparable the one offering the best terms shall receive the license. Thus price fixing among the licensors or between a licensor and its licensees as well as the non-competitive clearance system may be terminated, and the requirements of the Sherman Act, which the present system violates, will be adequately met. The administrative details involved in such changes will require further consideration. We are satisfied that existing arrangements are in derogation of the rights of independent distributors, exhibitors, and the public, and that the proposed changes will tend to benefit them all."

As can readily be seen from the foregoing statement, the court's decision extends to an exhibitor the right to buy under conditions that will give him equal footing with a competitive theatre, whether that theatre is owned, either by an independent circuit, by an individual, or by an affiliated circuit. The only exception is in the case of a distributor's own theatres. There a distributor may exhibit his own picture, under whatever terms he sees fit, without first offering them to other theatres, but in other than his own theatres such a distributor must offer his picture to every theatre within the competitive area, making each picture available to each exhibitor on conditions that are identical for the different runs.

For instance, if your theatre is comparable to a competitive theatre that is now enjoying a prior run, not because it is a better revenue-producer, or it is in a more desirable location, but because its run and clearance is "historical" or "fixed" under the present system, you now have the right to bid against that theatre for whatever pictures you desire; and if your terms are more favorable to the distributor than the terms of the present prior-run competitor the license must be granted to you. In case the prior-run competitor is an affiliated theatre, owned let us assume by Paramount, you could not, if Paramount so desired, compete with it for Paramount pictures. But you will have the right to compete with it on equal terms for the pictures of Warner Bros., Metro, or of any other distributor.

From talks I have had with a number of exhibitors, some of them seem concerned over, either the practicability of the bidding system, or the possibility that some distributors may devise ways and means to circumvent the system in a manner that will permit them still to give preference to the favored few, at the same time making it appear as if they had adhered to free and open bidding.

(Continued on last page)

"Freddie Steps Out" with Freddie Stewart and June Preisser

(Monogram, June 8; time, 72 min.)

A fair addition to the new "Teen Agers" series. Where something light is needed to round out a double-bill, it should fit nicely in theatres that cater to audiences that are not too exacting in their demands as long as a picture offers comedy and plentiful music. Its appeal should be directed mainly to the younger crowd, for the action revolves around high-school youths and most of the music is of the swing variety. The story is thin and implausible, but the action is breezy and, occasionally, there are situations that provoke laughter. Freddie Stewart, the hero, sings well; his voice is pleasant to the ear. The music is furnished by Charlie Barnet's orchestra, whose popularity should help to put the picture across:—

Freddie Stewart is delighted when June Preisser resumes her studies at school after an absence caused by illness. Jackie Moran, who had a "crush" on June himself, is chagrined when she declines to go out on a date with him. Meanwhile "Frankie Troy," a famous crooner (also played by Freddie Stewart), becomes tired of his swooning "bobby-sox" admirers, quits his radio show, and disappears for a rest. Douglas Fowley, "Frankie's" agent, publicizes his disappearance and offers a reward for information leading to his whereabouts. Jackie, noting Freddie's exact resemblance to the missing crooner, plots to get Freddie in trouble with June: He persuades Warren Mills, Freddie's pal, to communicate with Fowley and claim the reward by stating that the crooner was attending the school under the name of Freddie, and that he had become an amnesia victim. Fowley, accompanied by the crooner's wife and baby, rushes to the school, and they accept Freddie as "Frankie," despite his protests. June accuses Freddie of being a bigamist and breaks with him. In the course of events, the baby turns up in Freddie's room and he attempts to get rid of the child. As a result, the baby is found in different dormitory rooms and a comedy of errors arises out of the question of whom the child belonged to. Suspicion falls on numerous persons and causes them to become estranged from their sweethearts. It is not until the crooner himself makes an appearance at the school that the situation is cleared up to the satisfaction of all.

Hal Collins wrote the original screen play, Sam Katzman and Maurice Duke produced it, and Arthur Dreifuss directed it. The cast includes Ann Rooney, Noel Neill, Frankie Darro, Milt Kibbee, Chuy Reyes' orchestra and others.

Unobjectionable morally.

"Her Adventurous Night" with Dennis O'Keefe, Helen Walker and Scotty Beckett

(Universal, July 5; time, 75 min.)

An entertaining program comedy. The story is not unusual; yet it has so many comical angles, and the direction and acting are so competent, that one's interest is held all the way through. Revolving around a young couple's tribulations because of their inability to curb their young son's fantastic imagination, the story, part of which is told in flashback, moves along at a fairly good pace and has plentiful comedy as well as pleasant romantic interest. Dennis O'Keefe, as the agitated father, is quite good; he has the knack of displaying exasperation in a highly amusing way. The situation in which he and his wife land in jail, because of a wierd tale spun by their son, is quite comical. Here and there the situations are improbable, but for the most part they are laugh-provoking:—

O'Keefe and his wife (Helen Walker) try in vain to curb the imagination of Scotty Beckett, their twelve-

year-old son, who had delusions of being a master detective. One day he accidentally finds a gun belonging to his father and takes it to school, where it goes off and starts a commotion. Pressed by the police for an explanation of how he got the gun, Scotty's imagination runs wild as he weaves a tale describing the gun as the one that killed a watchman in an unsolved bank robbery that had taken place thirteen years previously, at the time his mother had first met his father. Her car had run into a ditch, and O'Keefe, a telephone lineman, had given her a lift in his truck. The truck had been stopped by an armed bank robber, who had made them his prisoners in an attempt to force O'Keefe to drive him away from the scene of the crime. O'Keefe had tried to outwit and capture the bandit, but the latter had threatened to shoot Helen, compelling O'Keefe to allow him to make his getaway. Scotty's tale ends there, and his description of the bandit bore a marked resemblance to his school principal. The police look upon his story as fantastic, but when ballistics prove that O'Keefe's gun actually was the one used in the murder and robbery, they throw O'Keefe, Helen, and the principal in jail. All three, however, are more than willing to forgive Scotty when, aided by a schoolmate, he uncovers a clue to the mystery and solves it by trapping Fuzzy Knight, the real criminal, who for many years had lived in town posing as a necktie salesman.

Jerry Warner wrote the original screen play, Marshall Grant produced it, and John Rawlins directed it. The cast includes Tom Powers, Charles Judels, Milburn Stone and others.

Unobjectionable morally.

BOX-OFFICE PERFORMANCES

(The previous box-office performances were printed in the October 20, 1945 issue.)

Columbia

"She Wouldn't Say Yes": Very Good-Good
 "Kiss and Tell": Excellent-Very Good
 "Crime Doctor's Warning": Fair-Poor
 "Girl of the Limberlost": Fair
 "Voice of the Whistler": Fair-Poor
 "Prison Ship": Poor
 "Snafu": Fair
 "My Name is Julia Ross": Good-Fair
 "Hit the Hay": Poor
 "Life with Blondie": Good-Fair
 "One Way to Love": Fair-Poor
 "Pardon My Past": Good
 "Out of the Depths": Poor
 "Meet Me on Broadway": Fair
 "Tars and Spars": Good-Fair
 "Close Call for Boston Blackie": Fair-Poor
 "Notorious Lone Wolf": Fair-Poor
 "Bandit of Sherwood Forest": Very Good
 "The Gentleman Misbehaves": Fair-Poor
 "Just Before Dawn": Fair-Poor
 "Perilous Holiday": Fair
 "Talk About a Lady": Fair-Poor
 "Blondie's Lucky Day": Fair
 "Mysterious Intruders": Poor
 "Gilda": Excellent-Very Good

Twenty-five pictures have been checked with the following results: Excellent-Very Good, 2; Very Good, 1; Very Good-Good, 1; Good, 1; Good-Fair, 3; Fair, 5; Fair-Poor, 8; Poor, 4.

Metro-Goldwyn-Mayer

"Weekend at the Waldorf": Very Good
 "Abbott & Costello in Hollywood": Fair
 "Her Highness & the Bellboy": Fair
 "Dangerous Partners": Fair
 "What Next, Corporal Hargrove": Good-Fair

"She Went to the Races": Fair
 "Vacation from Marriage": Fair
 "Yolanda and the Thief": Fair-Poor
 "They Were Expendable": Good
 "The Harvey Girls": Good
 "Portrait of Maria": Poor
 "Up Goes Maisie": Fair
 "A Letter for Evie": Fair
 "Sailor Takes a Wife": Good-Fair
 "Adventure": Good
 "Ziegfeld Follies of 1946": Very Good-Good

Sixteen pictures have been checked with the following results: Very Good, 1; Very Good-Good, 1; Good, 3; Good-Fair, 2; Fair, 7; Fair-Poor, 1; Poor, 1.

Paramount

"Duffy's Tavern": Very Good
 "Love Letters": Very Good
 "The Lost Weekend": Excellent-Very Good
 "Follow that Woman": Poor
 "Hold that Blonde": Fair
 "Stork Club": Very Good-Good
 "Kitty": Very Good
 "People are Funny": Fair-Poor
 "Tokyo Rose": Fair-Poor
 "Masquerade in Mexico": Fair-Poor
 "Miss Susie Slagle's": Good-Fair
 "The Virginian": Very Good
 "The Blue Dahlia": Very Good
 "They Made Me a Killer": Fair-Poor
 "The Well-Groomed Bride": Good-Fair
 "Road to Utopia": Very Good

Sixteen pictures have been checked with the following results: Excellent-Very Good, 1; Very Good, 6; Very Good-Good, 1; Good-Fair, 2; Fair, 1; Fair-Poor, 4; Poor, 1.

RKO

"Man Alive": Fair
 "First Yank in Tokyo": Fair
 "Isle of the Dead": Fair-Poor
 "Wanderer of the Wasteland": Fair-Poor
 "The Spanish Main": Very Good
 "The Spiral Staircase": Excellent-Very Good
 "Cornered": Good
 "Dick Tracy": Fair
 "Sing Your Way Home": Fair
 "Hotel Reserve": Fair-Poor
 "From This Day Forward": Good
 "Deadline at Dawn": Fair
 "Tarzan and the Leopard Woman": Good-Fair
 "A Game of Death": Fair-Poor
 "Riverboat Rhythm": Fair-Poor
 "Bells of St. Mary's": Excellent
 "Tomorrow is Forever": Very Good

Seventeen pictures have been checked with the following results: Excellent, 1; Excellent-Very Good, 1; Very Good, 2; Good, 2; Good-Fair, 1; Fair, 5; Fair-Poor, 5.

20th Century-Fox

"State Fair": Very Good
 "House on 92nd Street": Very Good
 "The Dolly Sisters": Very Good
 "The Spider": Fair
 "And Then There Were None": Good-Fair
 "Fallen Angel": Good
 "Doll Face": Good-Fair
 "Col. Effingham's Raid": Fair
 "Behind Green Lights": Fair
 "Shock": Fair-Poor
 "Jesse James" (reissue): Good
 "Return of Frank James" (reissue): Good
 "A Walk in the Sun": Fair

"Sentimental Journey": Good
 "A Yank in London": Poor
 "Dragonwyck": Good
 "Johnny Comes Flying Home": Fair

Seventeen pictures have been checked with the following results: Very Good, 3; Good, 5; Good-Fair, 2; Fair, 5; Fair-Poor, 1; Poor, 1.

United Artists

"Paris Underground": Fair
 "Getting Gertie's Garter": Good-Fair
 "Captain Kidd": Fair
 "Blithe Spirit": Fair
 "Spellbound": Excellent-Very Good
 "Abilene Town": Good-Fair
 "Whistle Stop": Good-Fair
 "Diary of a Chambermaid": Good-Fair
 "Breakfast in Hollywood": Fair
 "Young Widow": Good-Fair
 "Johnny in the Clouds": Fair-Poor
 "Rebecca" (reissue): Fair

Twelve pictures have been checked with the following results: Excellent-Very Good, 1; Good-Fair, 5; Fair, 5; Fair-Poor, 1.

Universal

"That Night With You": Fair
 "Strange Confession": Fair-Poor
 "Senorita from the West": Fair-Poor
 "Pursuit to Algiers": Fair
 "This Love of Ours": Good-Fair
 "Crimson Canary": Fair-Poor
 "The Dalton's Ride Again": Good-Fair
 "House of Dracula": Fair
 "Pillow of Death": Fair-Poor
 "Frontier Gal": Good-Fair
 "Scarlet Street": Good
 "Girl on the Spot": Fair-Poor
 "Because of Him": Fair
 "Terror By Night": Fair-Poor
 "Idea Girl": Fair-Poor
 "The Seventh Veil": Good
 "Little Giant": Fair
 "Smooth as Silk": Fair-Poor
 "Tangier": Fair
 "The Man in Grey": Fair
 "Spider Woman Strikes Back": Fair-Poor
 "House of Horrors": Fair-Poor
 "Madonna of the Seven Moons": Fair
 "Blonde Alibi": Fair-Poor
 "So Goes My Love": Fair

Twenty-five pictures have been checked with the following results: Good, 2; Good-Fair, 3; Fair, 9; Fair-Poor, 11.

Warner Bros.

"It All Came True" (reissue): Good-Fair
 "Born for Trouble" (reissue): Good-Fair
 "Mildred Pierce": Excellent-Very Good
 "Confidential Agent": Good-Fair
 "Too Young to Know": Fair
 "Danger Signal": Fair
 "San Antonio": Very Good-Good
 "My Reputation": Very Good-Good
 "Three Strangers": Fair
 "Burma Victory": Poor
 "Cinderella Jones": Fair-Poor
 "Saratoga Trunk": Very Good
 "City for Conquest" (reissue): Fair-Poor
 "No Time for Comedy" (reissue): Fair-Poor
 "Devotion": Good-Fair

Fifteen pictures have been checked with the following results: Excellent-Very Good, 1; Very Good, 1; Very Good-Good, 2; Good-Fair, 4; Fair, 3; Fair-Poor, 3; Poor, 1.

As for the practicability of the system, only time will tell, but on the surface it does seem as if the independent exhibitors have gained important concessions. While it is possible that some independents, because of their particular situations, may find competition much tighter, I believe that the majority of the independents stand to gain.

As for the possibility that the distributors will find ways and means to circumvent the system, enabling them to show favoritism to certain customers, this will not, in my opinion, be easy to accomplish, for under the decree the Department of Justice will at all times have access to the books and papers of the distributors, and, under their watchfulness, you may be sure that any infractions of the decree will subject the violators to prosecution.

For example, one exhibitor fears that a distributor, by promising an adjustment, may induce a favored customer to submit a higher-than-normal bid for its pictures, thus giving such a customer the run he desired. To begin with, the distributor is required to offer the same terms of adjustment to every exhibitor bidding for the picture, and its failure to do so would be violative of the decree.

But assuming that the offer of adjustment is a "private deal," you may be sure that the Department of Justice, having availability to the distributor's records, will have little difficulty in uncovering its existence.

Personally, I doubt that any distributor will attempt such a circumvention; it is too risky an act.

Of great interest to the exhibitors should be the details under which a system of competitive bidding will be carried on. The court, in its opinion and its provisions for a final decree, did not devise a specific set of rules and regulations, and at this writing the attorneys, neither for the Department of Justice nor for the defendants, have come forward with a plan of their own.

I have given the matter careful thought, and have come to the conclusion that a plan, generally along the following lines, should provide a system of bidding that will be compatible with fair play for both distributors and exhibitors:

If the bidding is to be competitive, the first requirement should be the establishment, in each exchange area, of a sort of "clearing house" for the purpose of administering the details involved in such a system. To insure impartial handling of the business to come before it, and to instill confidence in those dealing with it, the "clearing house" should be presided over by persons who shall have no connection whatever with any branch of the industry. Administrative ability, not experience in the distribution and exhibition of motion pictures, should be the qualification of those appointed to head each "clearing house," for it can be assumed that they will have to follow and administer the rules and regulations laid down by the proper authorities to insure an equitable system of bidding.

It should be made clear that the work of the "clearing house" should not include the arbitration of disputes as to bids, clearances, runs or any other subject appropriate for arbitration. The adjustment of such disputes should be left to the Arbitration tribunals. In other words, the function of the "clearing house" should be to administer the rulings laid before it and not to decide disputes.

The basic functions of the "clearing house" should include:

1. To receive from each distributor complete information for each picture, such as a synopsis with cast and credits; running time; date of tradeshow; the minimum flat or percentage rental acceptable for each run within each specified competitive area; the preferred playing time required, if any; a definite hour and date for the opening of all bids, and whatever other specifications or conditions a distributor may

deem it necessary to include in connection with the offering of the license. For instance, where a distributor desires alternate bids covering day and date showings with other exhibitors, the bidder shall be furnished with complete information regarding the terms of such alternate bids. All the foregoing information should be furnished to the "clearing house" in advance to enable it to notify every exhibitor within each competitive area of a particular picture's availability for bids at least ten days prior to the tradeshow, so that each exhibitor may have sufficient time to decide whether or not he desires to submit a bid.

2. To compile a complete list of every exhibitor within each competitive area so as to enable it to notify each one of every picture offered for licensing, submitting to each exhibitor identical information about each picture and about the terms of bidding.

3. To use its facilities for the setting up of the tradeshow at such hours and dates as will prevent a conflict between tradeshow. Consideration should be given to the fact that, when two or more tradeshow are scheduled for the same day, sufficient time should be allowed between tradeshow to enable an exhibitor to go from one place of screening to another.

4. To open publicly, at the hour and date set, all sealed bids submitted for a particular license, and to return, unopened, any bids that might arrive after the time set for the opening, except that, in the case of bids submitted through the mails and delayed in transit, such bids shall be honored if the postmark on the envelope indicates that it was mailed in sufficient time to reach the "clearing house" prior to the opening of the bids.

The purpose of the aforementioned plan is to bring about an orderly procedure in the bidding system, thus enabling the exhibitor to plan his programs in advance. Such a procedure should prove beneficial also to the distributors, for it will enable them to offer their licenses in a manner, and under conditions that will insure maximum exhibitor attention.

The plan is, of course, but a skeleton, embodying the basic principles for an orderly bidding system; under closer study, its scope can undoubtedly be enlarged.

The cost of maintaining such "clearing houses" would have to be worked out.

Offhand it seems as if the cost of centralizing the work of license offering and bid-receiving would be no greater, and perhaps less, than the combined cost to each of the distributors if they undertook to handle the bids through their own facilities.

It will be noted that this plan calls for sealed bids. I have selected such a method because, in my opinion, it represents the most logical way by which competitive bidding might be carried on. It is unlikely that the auction method of bidding, whereby the exhibitors would verbally try to out-bid one another for a picture, would be practicable.

The feasibility of the foregoing plan is predicated on the assumption that a definite set of rules and regulations will be formulated for the guidance of the clearing houses.

The formulation of the rules and regulations will undoubtedly be a painstaking task because of the inherent complexities in the decision. But the fact remains that an exhibitor, in order to prepare his bid intelligently, must know the conditions under which he is bidding, and he will require clarification of many important factors to enable him to determine the rental he is willing to pay. Chief among these factors is clearance with respect to prior-runs as well as subsequent-runs.

Suggestions on the clarification of clearances will be treated in the next issue.

HARRISON'S REPORTS

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 Yank in London, A—20th Century-Fox (106 min.)... 30
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 Ziegfeld Follies—MGM (110 min.)..... 11

RELEASE SCHEDULE FOR FEATURES

Columbia Features

(729 Seventh Ave., New York 19, N. Y.)
 7020 Blondie's Lucky Day—Singleton-Lake....Apr. 4
 7025 Mysterious Intruder—Richard Dix.....Apr. 11
 7023 Night Editor—Gargan-Carter.....Apr. 18
 7001 Gilda—Hayworth-Ford.....Apr. 25
 7207 Galloping Thunder—Charles Starret (54 m.)Apr. 25
 7031 Phantom Thief—Chester Morris.....May 2
 7222 Texas Jamboree—Musical Western (67 m.)May 16
 7026 The Devil's Mask—Louise-Bannon.....May 23
 7208 Two Fisted Stranger—Charles Starrett (51m)May 30
 7040 The Man Who Dared—Brooks-Macready...May 30
 7011 The Walls Came Tumbling Down—Bowman
 Chapman.....June 7
 7003 Renegades—Keyes-Parker.....June 13
 7037 Dangerous Business—Merrick-Tucker.....June 20
 The Return of Rusty—Donaldson-Litel....June 27
 The Unknown—Morley-Bannon.....July 4
 The Desert Horseman—Charles Starrett....July 11

Cowboy Blues—Western Musical.....July 18
 Sing While You Dance—Drew-Stanton.....July 25
 Personality Kid—Duane-Louise.....Aug. 8

Metro-Goldwyn-Mayer Features

(1540 Broadway, New York 19, N. Y.)

Block 16

618 The Hoodlum Saint—Powell-Williams....Apr.-May
 619 Bad Bascomb—Beery-O'Brien.....Apr.-May
 620 Postman Always Rings Twice—Garfield
 Turner.....Apr.-May
 621 The Last Chance—Foreign-made.....Apr.-May
 622 Two Sisters from Boston—Durante-Allyson.Apr.-May
 Block 17
 625 Boys' Ranch—Jenkins-Homeier.....July 18
 626 Courage of Lassie—Taylor-Morgan.....Aug. 8
 627 Faithful in My Fashion—Reed-Drake.....Aug. 22
 628 Three Wise Fools—O'Brien-Barrymore.....Aug. 29
 Specials
 605 Weekend at the Waldorf—All star.....Oct.
 616 Adventure—Gable-Garson.....Mar.
 617 Ziegfeld Follies of 1946—All-star cast.....Mar.
 623 The Green Years—Coburn-Drake.....July 4
 624 Easy to Wed—Johnson-Williams-Ball.....July 25

Monogram Features

(630 Ninth Ave., New York 19, N. Y.)

529 Gay Cavalier—Roland-Ames (65 m.).....Mar. 30
 561 Under Arizona Skies—J. M. Brown (67 m.)...Apr. 27
 514 Junior Prom—Stewart-Preisser.....May 11
 526 Behind the Mask—Richmond-Reed.....May 25
 519 Dark Alibi—Sidney Toler.....May 25
 502 Joe Palooka, Champ—Kirkwood-Errol.....May 28
 508 Don't Gamble with Strangers—Richmond-
 Hayes.....June 1
 515 Freddie Steps Out—Stewart.....June 8
 562 Gentleman from Texas—J. M. Brown.....June 8
 510 In Fast Company—Bowery Boys.....June 22
 574 Trail to Mexico—Jimmy Wakely.....June 29
 521 Strange Voyage—Eddie Albert.....July 6
 567 Shadows on the Range—J. M. Brown.....July 20
 Special
 699 Suspense—Belita-Sullivan.....June 15

Paramount Features

(1501 Broadway, New York 18, N. Y.)

Block 4

4516 The Virginian—McCrea-Donlevy.....Apr. 5
 4517 The Blue Dahlia—Ladd-Lake.....Apr. 19
 4518 They Made Me a Killer—Lowery-Britton....May 3
 4519 The Well-Groomed Bride—DeHavilland-
 Milland.....May 17
 Block 5
 4521 The Bride Wore Boots—Stanwyck-Cummings.May 31
 4522 Our Hearts Were Growing Up—Russell-
 Lynn.....June 14
 4523 Hot Cargo—Gargan-Reed.....June 28
 4524 To Each His Own—Olivia De Havilland....July 5
 Block 6

4526 O.S.S.—Ladd-Fitzgerald.....July 26
 4527 The Searching Wind—Young-Sidney.....Aug. 9
 4528 Swamp Fire—Weissmuller-Crabbe.....Sept. 6
 4529 Strange Love of Martha Ivers—Stanwyck-
 Heflin.....Sept. 13
 Special
 4531 Road to Utopia—Crosby-Hope.....Mar. 22
 4532 Monsieur Beaucaire—Bob Hope.....Aug. 30

PRC Pictures, Inc. Features

(625 Madison Ave., New York 22, N. Y.)

Mask of Dijon—Von Stroheim-Bates (re.)...Apr. 9
 Murder is My Business—Beaumont-Walker...Apr. 10
 Thunder Town—Bob Steele (57 m.).....Apr. 10
 Devil Bat's Daughter—LaPlanche-James....Apr. 15
 Caravan Trail—Eddie Dean (62 m.).....Apr. 20
 Wife of Monte Cristo—Loder-Aubert.....Apr. 23
 Terrors on Horseback—Buster Crabbe (55m.)May 1
 Ghost of the Hidden Valley—Crabbe (56 m.)...June 3
 Avalanche—Cabot-Borg.....June 20
 Larceny in Her Heart—Beaumont-Walker....July 10
 Prairie Bad Men—Buster Crabbe.....July 17
 Queen of Burlesque—Young-Ankers.....July 24
 Secrets of a Sorority Girl—Ware-Vallin....Aug. 1
 Overland Riders—Buster Crabbe.....Aug. 15
 Down Missouri Way—Wright-O'Driscoll...Aug. 15
 Blonde for a Day—Beaumont-Walker.....Aug. 22

Republic Features

(1790 Broadway, New York 19, N. Y.)

- 512 Murder in the Music Hall—Ralston.....Apr. 10
 515 Undercover Woman—Livingston-Withers...Apr. 11
 555 Alias Billy the Kid—Sunset Carson (56 m.)...Apr. 17
 5501 Home on the Range—Hale (Magnacolor) (55 m.).....Apr. 18
 514 Catman of Paris—Esmond-Aubert.....Apr. 20
 516 The Glass Alibi—Fowley-Gwynne.....Apr. 27
 448 Rainbow Over Texas—Roy Rogers (65 m.) (1944-45).....May 9
 567 Sun Valley Cyclone—Bill Elliott (55 m.)...May 10
 518 Passkey to Danger—Bachelor-Richmond....May 11
 519 The French Key—Dekker-Ankers.....May 18
 556 El Paso Kid—Sunset Carson (55 m.).....May 22
 520 Valley of the Zombies—Livingston-Booth....May 24
 517 In Old Sacramento—Elliott-Moore.....May 31
 521 One Exciting Week—Al Pearce.....June 8
 5502 Man from Rainbow Valley—Monte Hale (56 m.).....June 15
 522 Traffic in Crime—Richmond-Mara.....June 28
 5541 My Pal Trigger—Roy Rogers (79 m.).....July 10
 523 Night Train to Memphis—Acuff-Lane-Mara...July 12
 525 Rendezvous with Annie—Albert-Patrick....July 22
 568 Conquest of Cheyenne—Elliott.....July 22
 557 Red River Renegades—Sunset Carson.....July 25

RKO Features

(1270 Sixth Ave., New York 20, N. Y.)

(No national release dates)

Block 5

- 621 Without Reservations—Colbert Wayne.....
 622 Badman's Territory—Scott-Richards.....
 623 Ding Dong Williams—McGuire-Vernon.....
 624 The Truth About Murder—Granville-Conway....
 625 Partners in Time—Lum and Abner.....
Block 6
 626 Till the End of Time—McGuire-Madison.....
 627 Crack-Up—O'Brien-Trevor-Marshall.....
 628 Bedlam—Karloff-Lee.....
 629 The Falcon's Alibi—Conway-Corday.....
 630 The Bamboo Blonde—Langford-Wade.....

Specials

- 681 Along Came Jones—Cooper-Young.....
 651 Wonder Man—Danny Kaye.....
 691 Wonderful Adventures of Pinocchio—(reissue)....
 661 Bells of St. Mary's—Crosby-Bergman.....
 682 Tomorrow is Forever—Colbert-Welles-Brent.....
 692 Make Mine Music—Disney.....

Twentieth Century-Fox Features

(444 W. 56th St., New York 19, N. Y.)

- 625 The Dark Corner—Stevens-Ball.....May
 626 Do You Love Me?—O'Hara-Haymes-James....May
 627 Rendezvous 24—Gargan-Palmer.....May
 628 Cluny Brown—Jones-Boyer.....June
 629 Somewhere in the Night—Hodiak-Guild.....June
 630 Strange Triangle—Foster-Hasso.....June
 631 Smoky—MacMurray-Baxter.....July
 632 It Shouldn't Happen to a Dog—Landis-Joslyn....July
 633 Centennial Summer—Crain-Wilde.....Aug.
 634 Anna and the King of Siam—Harrison-Dunne...Aug.
 635 Deadline for Murder—Taylor-Ryan.....Aug.
Specials
 602 Wilson—Knox-Fitzgerald.....Aug.
 614 Leave Her to Heaven—Tierney-Wilde.....Jan.

United Artists Features

(729 Seventh Ave., New York 19, N. Y.)

- Young Widow—Russell-Hayward.....Mar. 1
 Johnny in the Clouds—English Cast.....Mar. 15
 Rebecca—Olivier-Fontaine (reissue).....Apr. 26
 A Night in Casablanca—Marx Bros.....May 10
 A Scandal in Paris—Sanders-Hasso.....July 19
 Mr. Ace—Raft-Sidney.....Aug. 2
 Caesar and Cleopatra—Leigh-Rains.....Aug. 16
 The Bachelor's Daughters—Dvorak-Trevor.....Sept. 6
 Angel on My Shoulder—Muni-Baxter-Rains.....Sept. 20

Universal Features

(1270 Sixth Ave., New York 20, N. Y.)

- 526 Madonna of the Seven Moons—English cast. Apr. 5
 527 Blonde Alibi—Neal-O'Driscoll.....Apr. 12
 528 So Goes My Love—Loy-Ameche.....Apr. 19
 529 Night in Paradise—Bey-Oberon.....May 3
 530 Strange Conquest—Wyatt-Gilmore.....May 10
 531 She Wolf of London—Haden-Porter.....May 17

- 532 The Cat Creeps—Collier-Brady.....May 17
 533 She Wrote the Book—Davis-Oakie.....May 31
 534 Dressed to Kill—Rathbone-Bruce.....June 7
 535 The Runaround—Raines-Cameron.....June 14
 536 Lover Come Back—Brent-Ball.....June 21
 537 Inside Job—Foster-Rutherford.....June 28
 538 Her Adventurous Night—O'Keefe-Walker.....July 5
 539 Danger Woman—Joyce-Porter.....July 12
 540 The Dark Horse—Terry-Savage.....July 19
 541 Canyon Passage—Andrews-Donlevy-Hayward.....July 26
 542 Cuban Pete—Arnaz-De Wit.....July 26
 543 The Black Angel—Duryea-Vincent-Lorre....Aug. 2
 544 Slightly Scandalous—Brady-Drew.....Aug. 2
 545 Wild Beauty—Porter-Collier.....Aug. 9
 546 The Time of Their Lives—Abbott & Costello..Aug. 16
 547 The Brute Man—Neal-Hatton.....Aug. 23
 548 The Killers—Lancaster-Gardner.....Aug. 30

Warner Bros. Features

(321 W. 44th St., New York 18, N. Y.)

- 517 Devotion—Lupino-De Havilland-Henreid....Apr. 20
 518 Her Kind of Man—Clark-Paige-Scott.....May 11
 519 One More Tomorrow—Sheridan-Morgan.....June 1
 520 Janie Gets Married—Leslie-Hutton.....June 22
 521 A Stolen Life—Davis-Ford.....July 6
 522 Of Human Bondage—Henreid-Parker.....July 20
 523 Night and Day—Grant-Smith-Martin.....Aug. 3
 524 Two Guys from Milwaukee—Morgan-Carson..Aug. 17

SHORT SUBJECT RELEASE SCHEDULE**Columbia—One Reel**

- 7559 Community Sings No. 9 (10½ m.).....May 9
 7753 Unsure-Runs—Color Rhapsody (7½ m.)...May 16
 7859 Screen Snapshots No. 9 (11 m.).....May 23
 7808 Diving Aces—Sports (9 m.).....May 23
 7703 Snap Happy Traps—Phantasy (6½ m.)....June 6
 7860 Screen Snapshots No. 10 (9½ m.).....June 10
 7660 Community Sings No. 10.....June 13
 7956 Dick Stabile & Orch.—Film Vodvil.....June 16
 7503 Picnic Panic—Col. Rhap. (6 m.).....June 20
 7809 Flying Hoofs—Sports.....June 27
 7704 The Schooner the Better—Phantasy.....July 4
 7661 Community Sings No. 11.....July 11
 7957 Saxie Dowell & Orch.—Film Vodvil.....July 18
 7602 Cagey Bird—Flippy (6½ m.).....July 18
 7810 Deep Sea Fishing—Sports.....July 25

Columbia—Two Reels

- 7426 Get Along Little Zombie—Herbert (17 m.)..May 9
 7410 Ain't Love Cuckoo?—Schilling (19 m.)....June 6
 7407 Monkey Businessmen—Stooges (18 m.)....June 20
 7408 Three Loan Wolves—Stooges (16½ m.)....July 4
 7411 You Can't Fool a Fool—Clyde (17 m.)....July 11
 7180 Chick Carter, Detective—Serial (15 ep.)...July 11
 7412 Hot Water—Schilling-Lane.....July 25

Metro-Goldwyn-Mayer—One Reel

- M-783 Musical Masterpieces—Miniature (10 m.)..Apr. 20
 S-758 Studio Visit—Pete Smith (10 m.).....May 11
 K-776 Our Old Car—Pass. Par. (11 m.).....May 11
 S-759 Equestrian Quiz—Pete Smith (9 m.).....May 18
 W-736 The Milky Waif—Cartoon (7 m.).....May 18
 T-717 Looking at London—Traveltalk (10 m.)..June 1
 S-760 Treasures from Trash—Pete Smith (10 m.)..June 8
 M-784 Bikini—The Atom Island—Pass. Par. (10 m.).....June 15
 W-737 The Hick Chick—Cartoon (7 m.).....June 15
 W-738 Trap Happy—Cartoon (7 m.).....June 29

Metro-Goldwyn-Mayer—Two Reels

- A-702 Purity Squad—Special (20 m.).....Nov. 3

Paramount—One Reel

- D5-2 Bargain Counter Attack—Little Lulu (7 m.)..May 3
 Y5-4 In the Wilds—Speak. of Animals (9 m.)...May 10
 R5-8 Riding the Hickories—Sportlight (9 m.)...May 17
 P5-2 Cheese Burglar—Noveltoon (7 m.).....May 17
 L5-4 Unusual Occupations No. 4 (10 m.) (re.)..May 24
 U5-4 Together in the Weather—Puppetoon (7 m.)..May 24
 E5-3 Klondike Casanova—Popeye (8 m.).....May 31
 P5-3 Old MacDonald Had a Farm—Novel. (7 m.)..June 7
 E5-4 Peep in the Deep—Popeye (7 m.).....June 7
 Y5-5 The Lonesome Stranger—Speak. of Animals..June 14
 J5-5 Popular Science No. 5.....June 21
 R5-9 Birds Make Sport—Sportlight.....June 21
 P5-4 Sheep Shape—Noveltoon.....June 28

L5-5 Unusual Occupations No. 5.....July 12
 R5-10 Feminine Class—SpotlightJuly 19
 D5-3 Bored of Education—Little Lulu (7 m.)....July 26
U5-5 Jasper's Derby—Puppetoon (8 m.).....Aug. 9
 E5-5 Rocket to Mars—Popeye.....Aug. 9
 D5-4 Chick and Double Chick—Little Lulu.....Aug. 16
 E5-6 Rodeo Romeo—Popeye.....Aug. 16
 J5-6 Popular Science No. 6.....Aug. 16
 P5-5 Sprce for All—Noveltoon.....Aug. 23
 L5-6 Unusual Occupations No. 6.....Aug. 30

Paramount—Two Reels

FF5-3 College Queen—Musical Parade (19 m.)
 (re.)May 17
 T5-2 Don't Be a Sucker—Special.....July 4
 FF5-4 A Tale of Two Cafes—Musical Par. (18 m.)..July 5
 FF5-5 Double Rhythm—Musical Parade.....Aug. 23

Republic—Two Reels

582 King of the Forest Rangers—Serial (12 ep.)..Apr. 27

RKO—One Reel

64207 Flicker Flashbacks No. 7 (7 m.).....Apr. 12
 64104 Pluto's Kid Brother—Disney (7 m.).....Apr. 12
 64309 Tenderfoot Trail—Sportscope (8 m.).....Apr. 19
 64105 In Dutch—Disney (7 m.).....May 10
 64310 Aqua Quccns—Sportscope (8 m.).....May 17
 64106 Squatter's Right—Disney (7 m.).....June 7
 63411 Ben Hogan—Sportscope (9 m.).....June 14
 64107 Donald's Double Trouble—Disney (7 m.)..June 28

RKO—Two Reels

63106 Two Million Rooms—This is America
 (16 m.)Apr. 5
 63107 No Place Like Home—This is Amer. (16m)..May 3
 63704 Twin Husbands—Leon Errol (18 m.).....May 10
 63108 Panama—This is Amer. (17 m.).....May 31

Twentieth Century-Fox—One Reel

6514 Gandy Goose in It's All in the Stars—Terry.
 (7 m.)Apr. 12
 6259 Cradle of Liberty—Adventure (8 m.).....Apr. 21
 6515 Mighty Mouse in Throwing the Bull—Terry.
 (7 m.)May 3
 6354 Sea Sirens—Sports (8 m.).....May 10
 6516 Mighty Mouse in The Trojan Horse—Terry.
 (6½ m.)May 26
 6517 Dinky Finds a Home—Terrytoon.....June 7
 6355 Golden Horses—Sports (8 m.).....June 26
 6518 Mighty Mouse in The Johnston Flood—Terry.
 (7 m.)June 28
 6260 Across the Great Divide—Adventure (8 m.)..July 5
 6519 Gandy Goose in Peacetime Football—Terry.
 (7 m.)July 19
 6520 Gandy Goose in The Golden Hen—Terry.
 (7 m.)July 24

Twentieth Century-Fox—Two Reels

Vol. 12 No. 9—Wanted—More Houses—
 March of Time (20 m.).....Apr. 19
 Vol. 12 No. 10—Tomorrow's Mexico—
 March of Time (19 m.).....May 17
 Vol. 12 No. 11—Problem Drinkers—
 March of Time (19 m.).....June 14

United Artists—One Reel

The Lady Said No—Daffy Dittys (8 m.).....Apr. 26

Universal—One Reel

1324 Apple Andy—Cartune (7 m.).....May 20
 1382 Merrily We Sing—Musical (10 m.).....May 27
 1369 Scientifically Stung—Per. Odd. (9 m.).....June 10
 1370 Lone Star Padre—Per. Odd. (9 m.).....June 17
 1349 Dog of the 7 Seas—Var. Views (9 m.).....June 17
 1325 Who's Cooking Who—Cartune (7 m.).....June 24
 1371 Artist's Antics—Per. Odd. (9 m.).....June 24
 1326 Bathing Buddies—Cartune (7 m.).....July 1
 1372 Picture Pioneer—Per. Odd. (9 m.).....July 1
 1350 Magic Mineral—Var. Views (9 m.).....July 1
 1351 Mr. Chimp at Home—Var. Views (9 m.)...Aug. 12

Universal—Two Reels

1308 Takin' the Breaks—Russ Morgan—Musical
 (15 m.)May 22
 1309 Banquet of Melody—Matty Malnick—Musical
 (15 m.)May 29
 1310 Swinging Down the Scale—Musical (15m.)..June 26

Vitaphone—One Reel

2308 Katnip College—Cartoon (7 m.).....May 4
 2608 Dixieland Jamboree—Mel. Master (10 m.)..May 11
 2510 Facing Your Danger—Sports (10 m.).....May 11

2508 Undersea Spear Fishing—Sports (10 m.)....May 18
 2309 Night Watchman—Cartoon (7 m.).....May 18
 2721 Hair Raising Hare—Cartoon (7 m.).....May 25
 2805 Girls & Flowers—Adventure (10 m.).....May 25
 2701 Kitty Kornered—Looney Tune (7 m.).....June 8
 2310 Little Brother Rat—Cartoon (7 m.).....June 8
 2702 Hollywood Daffy—Merrie Mel. (7 m.).....June 22
 2311 Johnny Smith & Poker Huntas—Cartoon
 (7 m.)June 22
 2722 Acrobatty Bunny—Bugs Bunny (7 m.)....June 29
 2509 The Riding Hannefords—Sports (10 m.)...June 29
 2609 Musical Memories—Mel. Master (10 m.)....July 6
 2312 Robinhood Makes Good—Cartoon (7 m.)..July 6
 2703 Eager Beaver—Merrie Mel. (7 m.).....July 13
 2704 Great Piggy Bank Robbery—Merrie Mel.
 (7 m.)July 27

2804 Let's Go Camping—Adventure (10 m.)....July 27
 2705 Bacall to Arms—Merrie Melody (7 m.)....Aug. 3
 2512 Ranch in White—Sports (10 m.).....Aug. 3
 2610 Enric Madriguera & Orch.—Mel. Mas.
 (10 m.)Aug. 10

2806 Adventures in South America—Adventure
 (10 m.)Aug. 10

2706 Of Thcc I Sting—Merrie Mel. (7 m.).....Aug. 17
 2313 Little Red Walking Hood—Cartoon (7 m.)..Aug. 17
 2707 Walky Talky Hawky—Merrie Mel. (7 m.)..Aug. 31
 2513 Dominion of Sports—Sports (10 m.).....Aug. 31

Vitaphone—Two Reels

2005 South of Monterey—Special (20 m.).....June 1
 2006 Hawaiian Memories—Special (20 m.).....June 15
 2007 Down Singapore Way—Special (20 m.)....July 20
 2008 Men of Tomorrow—Special (20 m.).....Aug. 24
 3101 Okay for Sound—Featurette (1946-47 pre-
 release)Aug. 3

NEWSWEEKLY NEW YORK RELEASE DATES

Pathe News

65191 Sat. (O) ..July 6
 65292 Wed. (E) ..July 10
 65193 Sat. (O) ..July 13
 65294 Wed. (E) ..July 17
 65195 Sat. (O) ..July 20
 65296 Wed. (E) ..July 24
 65197 Sat. (O) ..July 27
 65298 Wed. (E) ..July 31
 65199 Sat. (O) ..Aug. 3
 652100 Wed. (E) ..Aug. 7
 651101 Sat. (O) ..Aug. 10
 652102 Wed. (E) ..Aug. 14
 651103 Sat. (O) ..Aug. 17
 652104 Wed. (E) ..Aug. 21

Universal

516 Thurs. (E) ..July 4
 517 Tues. (O) ..July 9
 518 Thurs. (E) ..July 11
 519 Tues. (O) ..July 16
 520 Thurs. (E) ..July 18
 521 Tues. (O) ..July 23
 522 Thurs. (E) ..July 25
 523 Tues. (O) ..July 30
 524 Thurs. (E) ..Aug. 1
 525 Tues. (O) ..Aug. 6
 526 Thurs. (E) ..Aug. 8
 527 Tues. (O) ..Aug. 13
 528 Thurs. (E) ..Aug. 15
 529 Tues. (O) ..Aug. 20
 530 Thurs. (E) ..Aug. 22

Paramount News

88 Thurs. (E) ..July 4
 89 Sunday (O) ..July 7
 90 Thurs. (E) ..July 11
 91 Sunday (O) ..July 14
 92 Thurs. (E) ..July 18
 93 Sunday (O) ..July 21
 94 Thurs. (E) ..July 25
 95 Sunday (O) ..July 28
 96 Thurs. (E) ..Aug. 1
 97 Sunday (O) ..Aug. 4
 98 Thurs. (E) ..Aug. 8
 99 Sunday (O) ..Aug. 11
 100 Thurs. (E) ..Aug. 15
 101 Sunday (O) ..Aug. 18
 102 Thurs. (E) ..Aug. 22

Fox Movietone

88 Thurs. (E) ..July 4
 89 Tues. (O) ..July 9
 90 Thurs. (E) ..July 11
 91 Tues. (O) ..July 16
 92 Thurs. (E) ..July 18
 93 Tues. (O) ..July 23
 94 Thurs. (E) ..July 25
 95 Tues. (O) ..July 30
 96 Thurs. (E) ..Aug. 1
 97 Tues. (O) ..Aug. 6
 98 Thurs. (E) ..Aug. 8
 99 Tues. (O) ..Aug. 13
 100 Thurs. (E) ..Aug. 15
 101 Tues. (O) ..Aug. 20
 102 Thurs. (E) ..Aug. 22

News of the Day

286 Thurs. (E) ..July 4
 287 Tues. (O) ..July 9
 288 Thurs. (E) ..July 11
 289 Tues. (O) ..July 16
 290 Thurs. (E) ..July 18
 291 Tues. (O) ..July 23
 292 Thurs. (E) ..July 25
 293 Tues. (O) ..July 30
 294 Thurs. (E) ..Aug. 1
 295 Tues. (O) ..Aug. 6
 296 Thurs. (E) ..Aug. 8
 297 Tues. (O) ..Aug. 13
 298 Thurs. (E) ..Aug. 15
 299 Tues. (O) ..Aug. 20
 300 Thurs. (E) ..Aug. 22

All American News

193 FridayJuly 5
 194 FridayJuly 12
 195 FridayJuly 19
 196 FridayJuly 26
 197 FridayAug. 2
 198 FridayAug. 9
 199 FridayAug. 16
 200 FridayAug. 23

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SATURDAY, JULY 6, 1946

No. 27

AN ANALYSIS OF THE COURT'S OPINION—No. 3

(From a Layman's point of view)

Clearance and Run (continued)

As said in last week's issue, an exhibitor, in order to prepare his bid intelligently under the competitive bidding system suggested by the court, must know the conditions under which he is bidding. Naturally this will require the clarification of many factors, chief among which is clearance, to enable him to determine the rental he would be willing to pay for a particular picture.

Regarding clearance, the court, in its opinion, has recognized that clearance is an essential and equitable practice, provided it is reasonable as to time and area. "Indeed, it is practically conceded that exhibitors would find extremely perilous the acceptance of licenses for the exhibition of films without assurance by the distributor that a nearby competitor would not be licensed to show the same film either at the same time or soon thereafter that the exhibitor's expected income—perhaps on the basis of which he agreed to the specified rental—would be greatly diminished. Moreover, we understand the plaintiff to concede that the licensor may license its pictures for different successive dates. A reasonable clearance is in practical effect much the same. Either a license for successive dates, or one providing for clearance, permits the public to see the picture in a later-exhibiting theatre at lower than prior rates.

"Several courts have previously considered the validity of clearances under the Sherman Act and have concluded that in the absence of unconscionably long time or too extensive an area embraced by the clearance, or a conspiracy of distributors to fix clearances, there was nothing of itself illegal in their use. . . ."

But in the present case the court found that the defendants "have acquiesced in and forwarded a uniform system of clearances and in numerous instances have maintained unreasonable clearances to the prejudice of independents . . ." This it held to be in violation of the Sherman Act.

The court then suggests that "the decision of such controversies as may arise over clearances should be left to local suits in the area concerned, or, even more appropriately, to litigation before an Arbitration Board composed of men versed in the complexities of this industry."

Since separate court actions for the adjudication of clearance disputes would be, not only a time consumer, but also costly, HARRISON'S REPORTS agrees with the court that the settlement of such disputes through arbitration is the most practical and expedient way.

But the set-up and functions of such Arbitration Boards, to be effective under the system of competitive bidding, should be generally along the following lines:

(a) There should be an Arbitration Board in each exchange area.

(b) The chief purpose of the Boards, in addition to acting as an agency for the settlement of other disputes, shall be to prevent unreasonable clearance in length of time and in size of area.

(c) Each Board shall be comprised of three members, none of whom shall have any financial interest in any branch of the industry, and each of whom shall be appointed by the court or its duly authorized representative.

(d) Immediately after their creation, each of the Boards shall take steps to formulate in its territory a clearance schedule covering all theatres within each competitive area. These schedules shall be formulated in a manner that will eliminate unreasonable clearances between competing theatres, and shall be based on information furnished to the Board by the theatres involved so that each one may be classified in accordance with local conditions and under such other considerations as may be ordered by the court.

The schedule should include information as to the eligibility of each theatre for particular runs within its competitive area.

To give competing theatres a basis on which to bid against one another in open competition, the schedule should provide also information as to each theatre's clearance in length of time and size of area, in accordance with the range of admission prices set by each theatre. For example, a prior-run theatre charging an admission price that is at least 10¢ higher than that of a subsequent-run theatre shall be entitled to a specified length of clearance over the subsequent-run theatre. If the prior-run theatre's admission price is at least 20¢ higher than that of the subsequent-run theatre, the schedule should provide for a proportionate extension of the length of clearance. In other words, the difference between admission prices should be a prime factor in the determination of reasonable clearance, and the listing in the schedules of the allowable clearances in accordance with the range of admission prices should serve as a guide for each exhibitor in the preparation of his bid, and in the determination of the rental he would be willing to pay for a particular picture, on a particular run.

In determining what is reasonable clearance, the court has ordered that the following factors be taken into consideration:

(1) The admission prices of the theatres involved, as set by the exhibitor;

(2) The character and location of the theatres involved, including size, type of entertainment, appointments, transit facilities, etc.;

(3) The policy of operation of the theatres involved, such as the showing of double features, gift nights, giveaways, premiums, cut-rate tickets, lotteries, etc.;

(Continued on last page)

**"Queen of Burlesque" with Evelyn Ankers,
Carleton Young and Marian Martin**

(PRC, July 24; time, 68 min.)

A mildly interesting program murder-mystery melodrama. Without resorting to eerie effects it manages to hold one's interest because it is not until the end that the mystery is solved and the murderer apprehended. The story is somewhat confusing but the solution is worked out logically and the identity of the murderer is well concealed until the finish. Several murders take place and, as in most pictures of this type, different characters are suspected of the crimes because each had reason to commit them. The action, which for the most part unfolds backstage at a burlesque theatre, is slow, but it holds one in suspense. The cast is short on marquee value, but the attractive title should be of some help in attracting patrons to the box-office:—

Evelyn Ankers, star of Craig Reynolds' burlesque show, is upset when she learns that Jacqueline Dalya was to replace her as the star. Craig, who was satisfied with Evelyn's work, indicates to her that Jacqueline was in a position to blackmail him into giving her the lead. Peeved, too, at Jacqueline's promotion, was Rose La Rose, a specialty dancer, who had long been angling for the star part, and who had been putting pressure on her suitor, Murray Leonard, the show's comedian, to further her ends. Jacqueline had earned also the enmity of Marian Martin, a chorine, who believed that she had driven to suicide the man whom both had loved. On opening night, Alice Fleming, the show's wardrobe mistress, finds Jacqueline strangled in a dressing trunk. Inspector Emory Parnell takes charge of the case and, during his investigation, both Marian and Rose are murdered mysteriously. Different clues cause suspicion to be centered on Evelyn, Leonard, and Reynolds. The wardrobe mistress, who idolized Evelyn, confesses to the crimes in an effort to save her from arrest, but the police refuse to believe her story. In the course of events, Carleton Young, a reporter in love with Evelyn, uncovers evidence that leads him to suspect the wardrobe mistress. Through adroit questioning, he tricks her into disclosing herself as the murderess and proves that she had committed the crimes as the result of a homicidal mania induced by her intense love for Evelyn, whom she mistakenly believed to be her daughter.

David A. Lang wrote the original screen play, Arthur Alexander and Arthur Stern produced it, and Sam Newfield directed it.

Adult entertainment.

"Dead of Night" with an all-English cast

(Universal, no release date set; time, 75 min.)

To many picture-goers, this English-made psychological thriller will prove a treat because of its unusualness. Although it deals with a weird assortment of fantastic psychic experiences undergone by several persons, the direction and acting are so good, and the treatment—a dream within a dream—so uncommon, that the action, unbelievable as it is, holds one fascinated from start to finish. The players, who perform exceptionally well, are unknown to American audiences, but this box-office handicap will probably be

overcome by the word-of-mouth advertising the picture is bound to enjoy. Suspense and excitement mount steadily in the unfoldment of the odd tale, which is comprised of several episodes.

It begins with the arrival of Mervyn Jones at Pilgrim's Farm, an English country home, to which he had been summoned on business. Jones recognizes the home and the guests within it as having been in a constantly-recurring nightmare he had been experiencing, one that ended in a violent way. He tells the guests of his nightmare, and one of them, a psychiatrist, scoffs at the story. The others, however, are more sympathetic, and each tells of a strange incident in which he had been involved. One recalls a presentiment that had saved him from death. While convalescing in a hospital a hearse and driver had envisaged itself to him. Shortly thereafter he had boarded a bus but had gotten off when he noticed that the conductor resembled the hearse driver. A block away, the bus had crashed over a bridge. Another guest (Googie Withers) relates a tale about an antique mirror she had given to her husband. It had come from a room in which a murder had been committed, and her husband saw in it, not the reflection of his own room, but the reflection of the scene of the killing. The spell of the murder scene so affected his mind that he had attempted to kill her, but she had saved herself by smashing the mirror, thus breaking the spell. The psychiatrist then tells of his experience with a mad ventriloquist (Michael Redgrave), who lived a dual personality life with his dummy. Afraid that the dummy wanted to go into partnership with a rival ventriloquist, Redgrave had shot his rival and had "murdered" the dummy.

At the conclusion of the stories, Jones is suddenly overpowered by a desire to murder the psychiatrist. As he strangles the man to death and slips into a maddening whirl of events, he is awakened in his bed by a ringing telephone and realizes that he had been through another nightmare. The telephone caller asks him to come to Pilgrim's Farm on business.

Each of the episodes is interesting and thrilling, but the most fascinating is the one about the ventriloquist; its weirdness will send chills up and down one's spine.

John Baines and Angus McPhail wrote the screen play based on original stories by themselves and by E. F. Benson. Michael Balcon produced it, and Cavalcanti, Basil Deardon and Robert Hamer directed it.

Adult entertainment.

**"Of Human Bondage" with Paul Henreid,
Eleanor Parker and Alexis Smith**

(Warner Bros., July 20; time, 105 min.)

Adapted from W. Somerset Maugham's novel, which was first brought to the screen by RKO in 1934, starring Bette Davis and the late Leslie Howard, this remake is a fairly good but unpleasant psychological drama. The popularity of the novel, and the fame of the first picture, should be of considerable help in putting this version across. Some slight changes have been made in the story, which revolves around a hypersensitive, clubfooted medical student, whose unrequited love for a vicious, immoral cockney waitress almost wrecks his life, but on the whole it remains substantially the same. The performances are first-

rate, but one finds it difficult to accept Paul Henreid's characterization of the student, since it is hard to believe that any man could retain his infatuation for a woman as bitter and as irresponsible as the waitress portrayed by Eleanor Parker, whose performance, incidentally, is exceedingly good. At first some sympathy is felt for Henreid because of his deformity and of his unhappiness, but all this sympathy vanishes when he continually allows himself to come under the waitress' spell, despite her shabby treatment of him. A number of the situations are extremely unpleasant, particularly the one in which Miss Parker, enraged because Henreid expresses his disgust when she offers herself to him, denounces him for his deformity with every epithet at her command. There is some human interest in Henreid's relationship with a middle-class English family, with whom he eventually finds happiness, but it is not enough to offset the picture's unpleasantness as a whole:—

While visiting a London cafe, Henreid becomes infatuated with Eleanor, despite her rudeness to him. She goes out on dates with him and encourages his love, but she soon discards him to run off with a married man. Henreid finds solace in the sympathetic company of Alexis Smith, a novelist who loved him. Meanwhile Eleanor's lover deserts her before keeping his promise of marriage. She returns to Henreid for aid and informs him that she was expecting a baby. Although she deserved no such consideration, Henreid leaves Alexis to devote himself to Eleanor, planning to marry her after the baby is born. He finances her confinement only to be repaid, following the baby's birth, by her starting a love affair with one of his close friends (Patric Knowles). He plunges back into his studies, determined to forget her. Many months later, he discovers that she had become a streetwalker and that she was ill. He brings her and the baby to his modest quarters to help her regain her health. She treats him civilly for a time, but on Christmas Eve she rifles his meagre savings to buy an expensive gown with which to entice him. He expresses his disgust with her and leaves the house. Enraged, she destroys his belongings and burns his savings. Out in the cold without an overcoat, Henreid is taken ill with pneumonia and is removed to a hospital. During his convalescence, Eleanor, emaciated from tuberculosis, dies. Her baby had died a month earlier. Let out of the hospital, Henreid, released from his obsession, starts life anew with Janis Paige, eldest daughter of a family that had befriended him during his student days.

Catherine Turney wrote the screen play, Henry Blanke produced it, and Edmund Goulding directed it. The cast includes Edmund Gwenn and others.

Strictly adult entertainment.

A REMEDY FOR THE REMAKES

This paper has received many comments from exhibitors on the editorial about remakes, which was published in the May 25 issue.

Some of the exhibitors asked: "What is the remedy?"

HARRISON'S REPORTS suggests to every exhibitor organization to insist that remakes be sold individually, so that the exhibitor may use his discretion as to whether he should buy them or refuse to buy

them. In view of the fact that remakes are, for all practical purposes, nothing more and nothing less than re-issues, even though they may be acted by a different cast, selling them separately seems to be the only way by which an exhibitor can avoid the accusation by his patrons that he is showing old pictures. Such an accusation is justified even when the remake is released under the same title. However, when it is released under another title, with nothing to indicate that it is a remake, the case is nothing but an outrage.

A BOLD STAND BY AN AFFILIATED EXHIBITOR AGAINST CONCEALED ADVERTISING

All the old-timers and many new recruits to HARRISON'S REPORTS subscription list remember that this paper has for years been carrying on a campaign against the inclusion of either sponsored or concealed advertising in either features or shorts, on the ground that it was an unfair practice against, not only the exhibitors, who own the screens, but also the picture-patrons who pay an admission at the box-office to be entertained and who resent it when such ads are foisted upon them.

In 1931, Paramount and Warner Bros. went into sponsored screen advertising "wholesale," disregarding the detrimental effect their action would have on the business.

This paper enlisted the aid of the daily press of the nation and, within three months, both Paramount and Warner Bros. were compelled to give up their sponsored screen advertising activities.

You may imagine my surprise when I read in the June 11 issue of the *Film Daily* that, at the recent MPTOA meeting at Columbus, Mississippi, R. B. Wilby, a Paramount partner in the operation of their theatres in the South, condemned the inclusion of commercial advertising in both features and shorts. Mr. Wilby said that, where possible, he removed all footage from films playing his theatres whenever such footage had any indication of advertising. He mentioned in particular Coca Cola and Yellow Taxis as firms that were using influence to get their products shown in pictures. And the situation, says Mr. Wilby, is getting worse, and he urges that the practice be policed and that vigorous action be taken to halt it.

Most of the studio heads are careful about concealed ads creeping into their pictures, but every now and then one of these ads slips by their notice, usually the result of some subtle staging on the part of an "underling," connected with the making of the picture, who had been "sold" by one of the numerous advertising lobbyists who make Hollywood their headquarters in an effort to get an ad break on the screen for the products they represent. These lobbyists resort to many devices to gain their purpose, the most common being the furnishing of props to the producer at no charge, the props, of course, serving to plug their products.

While you should voice your protest every time a company permits a concealed advertisement to sneak into a picture, the most effective action you can take is to follow the example of Mr. Wilby—use your scissors!

(4) The rental terms and license fees paid by the theatres involved, and the revenues derived by the distributor-defendant from such theatres;

(5) The extent to which the theatres involved compete with each other for patronage;

(6) The fact that a theatre involved is affiliated with a defendant-distributor or with an independent circuit of theatres should be disregarded; and

(7) There should be no clearance between theatres not in substantial competition.

(e) The schedule of clearances set up by the Board shall be subject to change, depending on the erection of new theatres within a competitive area, as well as on the improvement of existing theatres. In other words, an exhibitor, by building a new theatre, or by modernizing the theatre he owns, may apply for a betterment of his clearance and run position, which must be granted if the facts warrant a change.

(f) Each exhibitor should be furnished with a copy of the latest schedule of clearances and runs within his competitive area for his guidance in the preparation of his bids. In the event an exhibitor feels that the clearance affecting his theatre is unreasonable, he shall have the right to appeal to the Board for a review of the facts involved. If the Board's majority decision is not to his satisfaction, the aggrieved exhibitor shall have the right to appeal to a Board of Appeals, whose members, too, shall be appointed by the court, and whose decision shall be final, provided, however, that such a decision shall be without prejudice to the aggrieved exhibitor's rights in a court of law.

Like the plan suggested last week for the establishment of "clearing houses" to administer the details involved in a system of competitive bidding, the aforementioned plan, dealing with clearance and run, is but a bare outline embodying the basic principles under which an orderly schedule of clearances and runs may be evolved for the guidance of competing theatres; under closer study, its scope is subject to enlargement.

Recognizing that disputes may arise over clearance, the court has this to say in its opinion:

"In determining the reasonableness of the specific clearances which may come before these tribunals, they should consider whether the clearance has been set so as to favor affiliates or control the admission prices of the theatres involved. A distributor will naturally tend to grant a subsequent run to and clearance over a theatre for which the owner of his own volition sets a low admission price, for the distributor would be inclined to seek out the higher priced theatres first where the revenue is likely to be greater and consequently in case of licenses on a percentage basis where a percentage share will be higher. This, however, would seem the inevitable result of the competition for the distributor's films from theatres which are the larger or better equipped, and for which higher admission prices may therefore be charged by their operators. Such competition the lower priced theatres must be prepared to meet, or else be content with subsequent runs and grants of clearance over them. The temptations to the distributor to use clearance grants to force a theatre to raise its prices and thus to qualify for prior runs having less clearance over it, and more clearance over competitors are nevertheless obvious and the courts or arbitration board should guard that this is not done. Clearance should be granted on the basis of theatre conditions which the exhibitor creates, not the distributor. The line to be drawn is indeed indistinct, but its existence is no less real."

In other words, the court has ruled that the exhibitor, not the distributor shall create the conditions under which his theatre may qualify for a particular run and for length of clearance over a competitor. If an exhibitor wants to set his admission prices at a low level, he may do so without interference from the distributor, but in doing so he must be willing to accept a subsequent-run to a competitor who may want to set admission prices at a higher level, thus reasonably assuring the distributor of greater revenue from his theatre.

Formula Deals, Master Agreements, and Franchises

The control of product through formula deals, master agreements, and franchises, has long been a bane to independent exhibitors because such contracts gave to the affiliated theatres, as well as the theatres of large independent circuits, a substantial monopoly in preferred runs to the exclusion of independents, even in situations where an independent theatre was of a sort from which a distributor could derive greater revenue if it were given the prior-run enjoyed by the favored theatres. The court held such contracts to be violative of the Sherman Act, and it enjoined the defendants from further performance of such existing contracts and from entering into similar agreements in the future.

"Formula deals, certain master agreements, and franchises," states the court, "have tended to restrain trade in the distribution and exhibition of motion picture features and in view of the history and relation to the moving picture business of the various parties to this action have exercised unreasonable restraints. In our opinion these restraints will be obviated or at least sufficiently mitigated by requiring a distributor wishing its pictures to be shown outside of its own theatres to offer to license each picture to all theatres desiring to show it on a particular run and, if the theatres are responsibly owned and otherwise adequate, to grant the desired run to the highest bidder."

In a discussion of formula deals and master agreements, the court held that they are violative of the Sherman Act because "no opportunity is afforded for other theatre owners to bid for the pictures in their several areas," thus unreasonably restraining competition.

Franchises, too, were held to be objectionable "because they cover too long periods (more than one season) and also because they embrace all the pictures released by a given distributor. They necessarily contravene the plan of licensing each picture, theatre by theatre, to the highest bidder."

"It is true," states the court, "that a prohibition of formula deals, master agreements and franchises will interfere with certain contracts which have been made in the past but their formation was a restraint upon trade which was unlawful at the time they were made, and therefore should not be continued. . . ."

"In our opinion it follows from the foregoing that provisions in license agreements known as moveovers which give to a licensee the privilege of exhibiting a given picture in a second theatre as a continuation of a run in a first theatre are incompatible with the system we have prescribed of bidding for pictures and runs theatre by theatre. The same would seem to be true of so-called overage and underage provisions which are often inserted in licenses to permit an exhibitor owning a number of theatres to apply a deficit in the playing time in one or more others. Under such provisions it is not possible to determine the amount payable for the account of one theatre until the performances in the others have been completed, or practically to apply the bidding system we are establishing. But provisions in licenses for 'extended' or 'repeat' runs in the same theatre, though apparently criticized by the government, would not seem to be objectionable if reasonably limited in time when other exhibitors are given the opportunity to bid for similar licenses. Likewise, any other license provisions which may be called to our attention that would substantially interfere with the effectiveness of the bidding system would have to be revised and perhaps may have to be specially dealt with in the decree to follow this opinion."

The court's meaning is unequivocally clear: It will not stand for any provision in a license agreement the effect of which will be to interfere with free and open competition. In other words, every exhibitor will have an opportunity to buy film without being hampered by conditions that may work to his disadvantage while giving the advantage to a competitor. Moreover, it allows for revisions to be made in the decree in the event unforeseen conditions arise tending to interfere with the spirit and intent of the bidding system it has proposed.

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AN ANALYSIS OF THE COURT'S OPINION—No. 4

(From a Layman's point of view)

Block-booking and Blind-selling

Included in the Government's complaint against the defendant-distributors was the contention that the Sherman Act forbids block-booking in toto, because it is illegal to condition the licensing of one film to an exhibitor upon his acceptance of a license of another film.

"In our opinion," declares the court, "this contention is sound, and any form of block-booking is illegal by which an exhibitor, in order to obtain a license for one or more films must accept a license for one or more other films."

After citing recent Supreme Court decisions, which it used as a basis in finding the practice unlawful, the court states:

"We, however, declare illegal only that aspect of block-booking which makes the licensing of one copyright conditional upon an agreement to accept a license of one or more other copyrights. A distributor may license to an exhibitor at one time as many films as the latter wishes to receive, but the distributor may not constitute groups of pictures which it refuses to license separately. The distributor may of course not license his pictures at all, but if he does license them, he must do so severally and, in accordance with the bidding procedure previously indicated, must license them to the exhibitor or exhibitors who are qualified and offer the best terms for the various runs."

In other words, the court says that pictures may still be bought in groups, provided the licensing of any one picture in the group is not conditioned upon the exhibitor's acceptance of one or more other pictures in that or any other group. It is compulsory block-booking that the law forbids.

In any event, no matter how many pictures a distributor and exhibitor may desire to include in a single contract, each picture must first be offered to all qualified exhibitors within the competitive area in accordance with the bidding system. This would mean that a single contract could include only those films for which the exhibitor had submitted the best bid.

Exhibitors in highly competitive areas may find it quite difficult to buy pictures in groups, but to exhibitors in closed situations, as well as to those in areas where competition is light, group buying should be beneficial and convenient.

The important thing about the outlawing of compulsory block-booking is that the exhibitor will now become a free agent in the selection of his films. He need no longer be concerned about being compelled to accept pictures that are, either of poor quality, or objectionable on moral or religious grounds; he merely need not submit a bid for such pictures.

Moreover, the elimination of compulsory block-booking (together with the other restrictions that have been placed on the distributors), should prove a boon to independent production and distribution, for the practice pre-empted an exhibitor's playing time to such an extent that the Big Eight virtually monopolized the available playing time on the nation's screens to the exclusion of the independents. Consequently, compulsory block-booking had the effect of discouraging independent producers, who found themselves compelled to make unwilling alliances with one of the Big

Eight in order to secure proper distribution of their pictures. With the practice outlawed, independent producers will now have the incentive to increase both the quality and output of their productions. This should, in turn, serve to invigorate those producers who have been coasting along, not on the merits of their pictures, but on a system that compelled exhibitors to accept what they produced—good, bad and indifferent.

Blind-selling was defined by the court as a practice capable of abuse but not as inherently restrictive of competition as block-booking. Taking note of the exhibitors' poor attendance at tradeshow, the court declared that exhibitors who preferred to obtain their pictures in quantity "need to be protected against burdensome agreements by being given an option to reject a certain percentage of their blind-licensed pictures within a reasonable time after they shall have become available for inspection. Such right of rejection . . . should be afforded whenever licenses of unproduced films and films not trade-shown are secured by an exhibitor who has made the best competitive bid for them."

In other words, wherever an exhibitor is enabled, under the competitive bidding system, to buy pictures in groups, either before they are produced, or, if produced, not yet tradeshow, he must be given a cancellation privilege, which he must exercise within a reasonable time after each picture is made available for inspection. In its provisions for a decree, the court provided that ten days shall be reasonable. It did not specify what percentage of a group of blind-licensed pictures may be cancelled. The Department of Justice, however, has proposed that it be twenty-five per cent.

An adequate cancellation privilege should serve as a means of protection for exhibitors who prefer to buy their pictures blind, but in order that the privilege be an effective protection a specified set of rules will have to be formulated regarding, among other conditions, how and when the blind-bought pictures shall be made available for inspection. For example, if an exhibitor bought blindly a group of twelve unproduced pictures, and if he had the right to cancel 25% or three of them, a distributor might make available for his inspection at first three pictures of such inferior quality that he would be compelled, out of business prudence, to invoke his cancellation privilege on all three. In such a case, the exhibitor would be at a disadvantage, for the remaining eight pictures of the group, either unproduced or purposely withheld from tradeshowing, would have to be accepted by him regardless of quality.

As can be seen from the aforementioned example, the possibilities of inequities in the blind-selling arrangement suggested by the court are so rampant that the exhibitor organizations would do well to give this phase of the opinion close study for the purpose of submitting recommendations to the Department of Justice for incorporation in the final decree. Otherwise, the cancellation privilege on blindly bought pictures may prove to be no substitute for selectivity, the court's objective in providing for such a cancellation.

The court closes its remarks on block-booking and blind-selling by making it clear that the only group-licensing it will sanction is "licensing by which the group is not offered on condition that the licensee shall take all the pictures

(Continued on last page)

"A Scandal in Paris" with George Sanders, Carole Landis and Signe Hasso

(United Artists, July 19; time, 100 min.)

Although picturesque and well produced, this slow-moving costume melodrama is just mildly entertaining. Its chances at the box-office will have to depend on the popularity of the stars and on the exploitable title. Set in the early days of the nineteenth century, the story is based on the life of Eugene-Francois Vidocq, a French criminal, who, despite his crimes, lived to become prefect of police. George Sanders, as Vidocq, is his unusual suave self, carrying on his perfidy with grace and charm, but his characterization is unconvincing and loosely drawn, as are the other characters in the plot. The best that can be said for Carole Landis, as a woman of loose mores, is that she shows off her physical charms to good advantage. The story is thin, episodic and talky, and the characters are not of the type that arouse any sympathy. It has little comedy and few thrills, and at times, despite the period depicted, the dialogue contains slang expressions that came into being in recent years. Its running time is much too long:—

Sanders, who lived a life of petty crime from the day he was born, escapes from jail with Akim Tamiroff, his cell-mate. In Paris, Tamiroff's family, talented in every phase of crime, provide the pair with uniforms and forged credentials identifying them as soldiers in Napoleon's army. They go to Marseilles, where Sanders starts a flirtation with Carole, a cafe entertainer, which ends with his stealing her bejeweled garter, a gift from Gene Lockhart, the Paris prefect of police, whom she marries a short time later. The two rogues head for Paris, where Sanders meets and charms an aristocratic dowager (Alma Kruger). He wangles an invitation to her castle, bent on stealing her jewels. There he meets her son (Alan Napier) and learns that he was Minister of Police. He meets also Signe Hasso, the minister's daughter, who becomes infatuated with him. Sanders steals the jewels, but is unable to make a getaway. The theft is discovered, and, Lockhart, unable to solve the crime, loses his position. Sanders, seeing an opportunity to become the new prefect of police, "solves" the crime and "recovers" the jewels. The minister, impressed, gives him the appointment. Now in an impregnable position, Sanders formulates a plan to rob the Bank of Paris, aided by Tamiroff's family. Meanwhile Carole catches up with him and, upon learning of his position, seeks to blackmail him. But Lockhart, suspecting that she was carrying on a love affair, kills her and commits suicide himself. On the day set for the robbery, Signe comes to Paris and confesses her love to Sanders. He decides to reform and calls off the robbery. Tamiroff, enraged, attempts to kill Sanders, only to become the victim himself. Sanders makes a clean breast of his crimes and is forgiven by all. He marries Signe.

Ellis St. John wrote the screen play, Arnold Pressburger produced it, and Douglas Sirk directed it. The cast includes Jo Ann Marlowe, Vladimir Sokoloff and others.

Adult entertainment.

"The Unknown" with Karen Morley and Jim Bannon

(Columbia, July 4; time, 65 min.)

A routine program murder-mystery melodrama, based on a story that makes little sense, but it has enough excitement and suspense to satisfy the indiscriminating followers of this type of pictures. The action takes place in one of those isolated mansions, and the usual props, such as shadows on the wall, mysterious figures prowling around, a family crypt, and secret passageways are used to create an eerie atmosphere. Since the mystery surrounding the murders is not solved until the end, one's interest is held to a fair degree. But it is a cheerless entertainment; there is no comedy to relieve the tension:—

On the night that Helen Freeman arranges a wedding for Karen Morley, her daughter, the young lady confesses her secret marriage to Robert Wilcox. Karen's father scuffles

with Wilcox, and is killed accidentally. To avoid a scandal, Miss Freeman compels Wilcox to leave, then buries her husband behind a fireplace, swearing her daughter and her two sons (Wilton Graff and James Bell) to secrecy. Years later, Jeff Donnell, Karen's grown-up daughter, who had been sent away from home as a baby, learns of her grandmother's death and returns home to hear the reading of her will, accompanied by Jim Bannon and Barton Yarbrough, private detectives. She finds that her mother had become mentally unbalanced, driven mad by the mysterious wailing of a baby; that one uncle, Graff, had become a dipsomaniac; and that the other, Bell, was a deaf sculptor. Before the will is read, an attempt is made on Jeff's life, and then Bell is murdered by a mysterious shadowy figure, who plagues the house. The two detectives launch an investigation, which leads them through a maze of secret passageways and to a family crypt in a fruitless attempt to catch the wily madman. In the events that follow, the grandmother appears and confesses that she had pretended to be dead, but before she can explain the shadowy figure carries her off to the crypt and kills her. Later the madman lures Jeff and Karen to the crypt, but their lives are saved by the timely arrival of the detectives, who capture the killer and unmask him as Graff, the half-crazed uncle. He had killed his mother and brother, and had driven Karen mad by means of a mechanical doll, as part of a plan to gain control of the estate. It ends with the return of Karen's husband, and the restoration of her sanity.

Malcolm Stuart Boylan and Julian Harmon wrote the screen play from a story by Carlton E. Morse. Wallace MacDonald produced it, and Henry Levin directed it.

Adult entertainment.

"The Return of Rusty" with Ted Donaldson and Mark Dennis

(Columbia, June 27; time, 65 min.)

This sequel to the "Adventures of Rusty" is a moderately entertaining program melodrama, but it is primarily entertainment for the juvenile trade; adult audiences will probably find it tiresome, for its story about the adventures of two boys and a dog is somewhat immature. There is human interest in the tale, some comedy, and a fair share of excitement, but it is of the kind that will have more effect on youngsters than on their elders. Acting honors go to Mark Dennis, a newcomer, whose portrayal of an orphaned, twelve-year-old Czechoslovakian refugee is quite good:—

Mark, a stowaway on a returning troopship, is apprehended by the authorities, but Sergeant Robert Stevens, who wanted to adopt the boy, helps him to escape. Mark goes to Stevens' home-town to await him. There he meets Ted Donaldson and some of his young friends, and is attracted to Rusty, Ted's police dog. Ted takes Mark home and prevails upon his parents (John Litel and Barbara Woodell) to give him temporary lodging. Mickey Kuhn, one of the boys, takes a dislike to Mark because he was a foreigner. Detectives come to town searching for Mark, but Ted and his buddies hide him. Meanwhile word comes that Stevens had been arrested, suspected of complicity in Mark's disappearance. Mark decides to go to Stevens to help him, and Rusty insists upon trailing behind. Mickey, finding the dog, gives him to a strange boy, then reports to Ted that Mark had stolen the animal. Mark retrieves Rusty and returns him to his young master, but Ted believes him guilty of stealing Rusty. Mark angered, seeks Mickey out to have a showdown. In the excitement, both boys fall into a ravine, and Mickey is injured. Mark gives Mickey first aid and instructs Rusty to scale the walls of the ravine to summon the help of Ted and his friends. Both boys are rescued, and it all ends well when Stevens, absolved by the authorities, is permitted to adopt Mark, who by this time had won the admiration of the townspeople because of his aid in helping the injured Mickey, despite his grievance.

Lewis H. Herman and William B. Sackheim wrote the screen play, Leonard S. Picker produced it, and William Castle directed it.

Unobjectionable morally.

"Danger Woman" with Don Porter and Brenda Joyce

(Universal, July 12; time, 60 min.)

An ordinary program melodrama, modestly produced. Its subject matter—atomic energy, is timely, but the plot is so commonplace and so obvious that one loses interest in the outcome, since one surmises in advance just what is going to happen. Moreover, the picture lacks excitement and, since it is given more to talk than to action, it moves at a slow pace. Some of the dialogue is quite trite. The players do their best with the mediocre material given them, but they fail to overcome the plot's defects:—

After completing his part in the creation of the atom bomb, Professor Don Porter continues his nuclear research for the development of atomic energy for peacetime use. He falls in love with Brenda Joyce, his secretary, but is unable to further the romance because of the return of his estranged, unfaithful wife (Patricia Morison), who resumes her position as head of the household in a determination to win back his love. Porter evolves a theory whereby atomic energy could be used to benefit mankind, but he refuses to make his theory public lest it be used by sinister forces for destructive purposes. Meanwhile Milburn Stone, head of an international gang of thieves, which sought to obtain Porter's notes, fakes a traffic accident as a means of getting into Porter's home. He is kept there under orders of a local doctor, who had been intimidated by Stone's henchmen. To compel Porter to reveal his secret, Stone starts a whispering campaign in town about an alleged affair the professor was having with Brenda, thus discrediting him in the eyes of the university officials, who suspend him. Patricia, seeing through Stone's scheme, makes a deal with him to obtain Porter's notes. She tries to back out of the deal when Stone resorts to blackmail to compel her to do his bidding, but Stone, after obtaining the document, murders her. In the course of events, an investigation brings Stone to justice, clearing Porter's reputation and leaving him free to marry Brenda.

Josef Mischel wrote the original screenplay, Morgan B. Cox produced it, and Lewis D. Collins directed it. The cast includes Samuel S. Hinds, Kathleen Howard and others.

Unobjectionable morally.

"The Dark Horse" with Phillip Terry and Ann Savage

(Universal, July 19; time, 59 min.)

An amusing program comedy. It is a travesty on American political machines, revolving around the nomination and election as Alderman of a returned soldier, who becomes an unwilling candidate for the post. The manner in which he is thrust into the campaign, and the methods employed by a political boss to build him up as "a man of the people," keep one chuckling throughout. The story has a familiar ring, but it holds one's attention fairly well, for it is fast-moving and the performances are good. Donald MacBride, as the blustering political boss, whose trickery proves his own undoing, is quite funny. It is not a big picture, but it should serve nicely to round out a double bill where something light is needed:—

Returning to his home-town after serving in the army, Phillip Terry becomes innocently involved in a brawl between political hoodlums in which he is knocked unconscious. Allen Jenkins, MacBride's political henchman, advises MacBride to use the incident to win public sympathy for Terry and to elect him as Alderman. MacBride agrees, but he is astounded when Terry refuses the nomination. Refusing to take no for an answer, MacBride offers a bonus to Ann Savage, his secretary, if she could induce Terry to enter the race. Ann brings her womanly wiles into play and before long gains Terry's consent. As the campaign progresses, Terry revolts at the different tricks MacBride employs to win votes, but each time Ann persuades him to continue. Matters come to a head when Terry accidentally learns that Ann was being paid for her interest in him; he publicly

denounces the political machine that was backing him and urges the people to vote for his opponent. MacBride, angered, decides to resort to strong-arm methods to keep Terry quiet, but Ann, to prove her love for Terry, gets to him first and keeps him in hiding. The voters, impressed by Terry's honesty, elect him. Terry accepts the office and, after warning Jenkins and MacBride to get out of town, becomes reconciled with Ann.

Charles R. Marion and Leo Solomon wrote the screen play from a story by San Hellman, Will Cowan produced it, and Will Jason directed it. The cast includes Jane Darwell, Edward Gargan and others.

Unobjectionable morally.

"Night and Day" with Cary Grant, Alexis Smith and Monty Woolley

(Warner Bros., Aug. 3; time, 128 min.)

Supposedly biographical of the career of Cole Porter, one of America's most successful showmen and composer of popular songs, this lavishly produced Technicolor musical should prove to be a top box-office attraction, for it has all the elements that endow it with mass appeal—tender romance, heart interest, good comedy, expertly staged production numbers, and a delightful musical score. The story itself is of the typical backstage variety and it offers little that is novel, but it is well presented and holds one's interest throughout. The tuneful melodies that are sung during the unfolding of the story are made up of some of Porter's most memorable song hits, some of which are sung by Ginny Simms, and others by Jane Wyman, Eve Arden, Carlos Ramirez, and Mary Martin, who sings "My Heart Belongs to Daddy," the tune that made her famous. Sumptuous production numbers have been built around Porter's "Night and Day" and "Begin the Beguine." Cary Grant, as Porter, is very good, and Alexis Smith, as his wife, is appealing. The emotional conflict that arises between them because of his devotion to his work, and the heartaches incident to his becoming successful, result in situations that touch the spectator's emotions. Monty Woolley, as a Yale professor who discards his books to enter show business with the budding composer, provokes considerable comedy by his bombastic ways:—

Despite the objections of his wealthy grandfather (Henry Stephenson), Porter forsakes his law studies at Yale to try his hand in show business. He is joined by Monty Woolley (played by himself), his professor, who resigns from the college. Together they succeed in raising funds to launch Porter's first musical show, "See America First," which has the misfortune of opening on the night the Lusitania is sunk; the show closes on the same night. Porter enlists in the French Army and sets action in World War I. A wound in the leg sends him to a military hospital, where he meets Linda Lee (Alexis Smith), a socialite, with whom he had fallen in love on the night his show had closed. Linda, working as a Red Cross nurse, revives Porter's interest in music during his convalescence. Upon his recovery, she seeks to finance his career, but he declines her aid and returns to the United States. There, aided by Woolley, he produces "Fifty Million Frenchmen," a smash hit, and follows that with a number of other hits. He goes to England to produce a show for Charles Cochran. There he again meets Linda and marries her. Upon their return to America, Porter becomes so deeply engrossed in his work that Linda, feeling herself completely in the background, leaves him. Shortly thereafter, Porter is injured seriously in a fall from a horse. He suffers countless operations to save his leg, but the ordeal leaves him crippled. Linda, learning of his condition, returns to America from Europe. She meets Porter at a class reunion at Yale, where both become reconciled.

Charles Hoffman, Leo Townsend, and William Bowers wrote the screen play, Arthur Schwartz produced it, and Michael Curtiz directed it. The cast includes Victor Francen, Alan Hale, Dorothy Malone, Selena Royle, Donald Woods, Paul Cavanagh, Sig Ruman and many others.

Unobjectionable morally.

included in it, or none, but in which the pictures are separately priced, and each picture is to be sold to the highest duly qualified bidder. As we have already indicated in discussing formula deals, master agreements and franchises, the offering of pictures should be theatre by theatre, and if more than one picture is included in a license agreement, it will be only because of business convenience and to the extent that each picture so included has received the best bid."

"Pooling" Agreements

Every variety of theatre pools—arrangements by which the theatre-owning defendants combined with each other and with independent theatre-owners by pooling their theatres through operating agreements, leases, joint stock ownership of theatre-operating corporations, or through joint ownership of theatres in fee, were held to be violative of the anti-trust laws.

Agreements by which given theatres of two or more exhibitors, normally in competition with each other, are operated as a unit or most of their business policies collectively determined by a joint committee, or by one of the exhibitors, and by which profits of the pooled theatres are divided among the owners according to pre-agreed percentages, were held by the court to be in "clear conflict with the Sherman Act, for through them a defendant-exhibitor reduces to a minimum opposition between its own and other theatres in the 'pool.' Cooperation, rather than competition, characterizes their operation, and in view of the exhibitor-defendants' financial strength, control of first-class film distribution, ownership of concentrated numbers of first-run theatres, and especially their combination to reduce competition in exhibition through systems of price-fixing and clearances, such restraints as these agreements impose upon free commerce in motion pictures are far less than reasonable. The result is to eliminate competition *pro tanto* [i.e. "to that extent"] both in exhibition and in distribution of films which would flow almost automatically to the theatres in the earnings of which they have a joint interest."

Of pooling agreements between major defendants and independent exhibitors, the court has this to say: "The effect is to ally two or more theatres of different ownership into a coalition for the nullification of competition between them and for their more effective competition against theatres not members of the 'pool.' Even if the parties to such combinations were not major film producers and distributors, but were all wholly independent exhibitors, such agreements might often be regarded as beyond the reasonable limits of restraint allowance under the Sherman Act. This result is certain when some of the parties are of major stature in the movie industry and have in other ways imposed unlawful restraints upon it, as we have found to be the case upon the record before us."

Other pooling agreements by which theatres are leased and the rentals determined by a stipulated percentage of profits earned by the pooled theatres, we held to be but another means of carrying out the illegal objection discussed in the other agreements.

In its provisions for a decree, the court, covering every variety of theatre pools shown by the Government's exhibits, enjoined the defendants from entering into or continuing to perform such agreements.

Pointing out that many theatres, or the corporations owning them, are held jointly by one or more of the exhibitor-defendants, and that these joint interests enabled them to operate theatres collectively, rather than competitively, the court ordered each defendant to terminate its joint ownership with another defendant in any theatre, regardless of the size of the interests involved. In theatres owned jointly with an independent exhibitor, the court ordered termination of such joint ownership in all cases where a defendant had an interest of more than 5% and less than 95%. The court deems an interest of 5% or less as an "inconsequential investment in exhibition," and it considers an interest of 95% or more as a theatre wholly owned.

In its provisions for a decree, the court ordered that "such joint interests shall be dissolved either by a sale to, or by a purchase from, such co-owner or co-owners," and that the rearrangement of joint interests with an independent exhibitor, "if by purchase, shall, however, be subject to the direction of this court so that their effectuation may promote competition in the exhibition of motion pictures."

As for theatres owned jointly by the defendants, the court leaves them free to purchase the interest of the other "so long as the transaction sought to be achieved will not result in an unreasonable restraint of competition in exhibition within the particular competitive area." In other words, here, too, the acquisition will be subject to the court's approval.

The termination of the aforementioned joint ownership is, in effect, partial divorce, affecting, according to the court, 1292 theatres out of a total of 3137, which the defendants either own or have an interest in.

Although partial divestiture of theatres falls short of the Government's objective, which is total divorce, it should prove beneficial to the independent exhibitors, provided, of course, that the court carries through its dictum of approving the rearrangement of joint ownerships in a manner that will promote competition.

Discrimination Among Licensees

The court found that, in the licensing of films, each of the defendant-distributors had discriminated in favor of the large affiliated and unaffiliated circuits and against small independent exhibitors by the granting of certain privileges in contract provisions.

The privileges cited included: (a) suspending the terms of a given contract, if a circuit theatre remains closed for more than eight weeks, and reinstating it without liability upon re-opening; (b) allowing wide privileges in the selection and elimination of film; (c) allowing deductions in film rentals if double bills are played; (d) granting moveovers and extended runs; (e) granting roadshow privileges; (f) allowing overage and underage; (g) granting unlimited playing time; (h) excluding foreign pictures and those of independent producers; and (i) granting rights to question the classification of features for rental purposes.

The court found that these provisions were included most frequently in franchises and agreements made with the large circuits, and it noted that they were not included in the standard forms of contract under which small independents are usually licensed.

"The competitive advantages of these provisions," declared the court, "are so great that their inclusion in contracts with the larger circuits constitutes an unreasonable discrimination against small competitors in violation of the anti-trust laws. It seems unnecessary to decide whether the record before us justifies a reasonable inference that the distributor-defendants have conspired among themselves to discriminate among their licensees, for each discriminating contract constitutes a conspiracy between the licensee and licensor."

As to the defendants' contention that these privileges granted to the large circuits flowed from their negotiations with the individual theatre-owners rather than from a standard policy of discrimination pursued by them, the court said: "This is perhaps true, but the result is the same whether the bargaining power of the large exhibitors forces upon the distributors a discriminatory policy, or whether the latter voluntarily carry such a policy into effect. Acquiescence in an unreasonable restraint, as well as the creation of such a restraint, violates the Sherman Act. Under the bidding system we are requiring such discriminations would appear impossible. Those provisions which are not compatible with the operation of this system, or which are inherently unreasonable, such as a provision for clearance between theatres where there is no substantial competition, will no longer be included in licenses, as mentioned elsewhere, but otherwise the bidders will compete for licensing contracts on a parity, in that the same offer will be made to all prospective exhibitors in a community."

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AN ANALYSIS OF THE COURT'S OPINION—No. 5

(From a layman's point of view)

Divestiture of Theatres

In denying the Government's plea for total divestiture of theatres, the court stated its belief that "the opportunity for independents to compete under the bidding system for pictures and runs renders such a harsh remedy as complete divestiture unnecessary, at least until the efficiency of that system has been tried and found wanting."

In giving its reasons for denying total divorcement the court pointed out that, in 1945, there were 18,076 motion picture theatres in the United States, of which the five major companies had interests in 3,137 or 17.35 per cent. "It would seem unlikely," said the court, "that theatre owners having aggregate interests of little more than one-sixth of all the theatres in the United States are exercising such a monopoly of the motion picture business that they should be subjected to the drastic remedy of complete divestiture in order to effect a proper degree of free competition. It is only in certain localities, and not in general, that an ownership even of first-run theatres approximating monopoly exists. Under the proposed system, the only theatres the competition of which in exhibition even Paramount—the largest owner—would in anywise control, are the 7.72 per cent which it now owns. Each of the other four major defendants would control a far smaller percentage of the theatres. Even in places like Philadelphia or Cincinnati, where Warner and RKO have owned all the first-run theatres, their theatre interest cannot properly be aggregated to establish a conspiracy in restraining exhibition, for in such localities there would seem to be nothing to prevent other persons from building theatres of a similar type if the market for the distribution of films should be opened to the highest bidder and the builder of a new theatre could compete with the other theatre owners in obtaining pictures for exhibition in the theatre he had built. The only pictures that the present sole exhibitors in such localities could control would be their own, which they can always exhibit freely in their own theatres."

The court points out that in about 60 per cent of the 92 cities having populations of over 100,000, "there are independent first-run theatres in competition with those of the major defendants except so far as it may be restricted by the trade practices we have criticized. In about 91 per cent of these cities there is competition in first runs between independents and some of the major defendants or among the major defendants themselves, except so far as it may be restricted by the above trade practices. If the bidding system we propose to set up, minimum admission prices in licenses eliminated, and the other restrictive agreements which we have discussed terminated, it is our opinion that adequate competition would exist. Indeed in all of the 92 cities, even where there is no present competition in first runs there is always competition in some run."

In other words, the court deems that the outlawing of the certain trade practices it has declared illegal, together with the inauguration of a competitive bidding system, should result in a free and open market, thus making total divestiture unnecessary.

In localities where a single defendant owns all the first-run theatres, the court held that there is no sufficient proof that the ownership "has been for the purpose of creating a monopoly and has not rather arisen from the inertness of competitors, their lack of financial ability to build theatres comparable to those of the defendants, or from the preference of the public for the best equipped houses and not from 'inherent vice' on the part of these defendants. Each defendant had a right to build and to own theatres and to exhibit pictures in them, and it takes greater proof than that each of them possessed great financial strength, many theatres, and exhibited the greater number of first-runs to deprive it of the ordinary rights of ownership. . . ."

Pointing out that the root of the difficulty lies, not in the ownership of theatres, but in the trade practices it has declared illegal, the court states that these practices, if employed in the future in favor of powerful independents, "would effect all the undesirable results that have existed" when the five major defendants owned or controlled numerous theatres. "If the objectionable trade practices are eliminated, the only difference between such an assumed situation in which the defendants owned no theatres and the present would be the inability of the major defendants to play their own pictures in their own theatres. The percentage of pictures on the market which any of the five major defendants could play in its own theatres would be relatively small and in nowise approximates a monopoly of film exhibition."

The court found, however, that there has been "restraint of competition in exhibition by the five major defendants through ownership of theatres jointly with one another or if there interests be more than five per cent even where jointly held with independents. . . ." In such cases, the court ordered the termination of the joint interests. The manner in which such joint interests are to be either disposed of or acquired was treated in last week's issue under "Pooling Agreements."

As most of you know, the main objective of the Government's anti-trust suit was total divestiture of theatres in order that no distributor of motion pictures be an exhibitor. The Government felt that total divorcement would be a remedy for the discriminations in favor of affiliated theatres, and its stand was backed up by an overwhelming majority of independent exhibitor organizations.

Although most independent exhibitors feel that the court's decision represents a great victory in that many oppressive practices have been declared illegal, many are keenly disappointed over the court's refusal to grant total divestiture—the main issue.

Some independent exhibitor leaders feel that, in view of the court's many findings of law violations, its denial of the Government's plea for total divorcement was most extraordinary, if not illogical. These spokesmen tear into the reasons for denying divestiture by pointing out, for example, that the court, in holding that the defendants should not be subjected to total divorcement, because their aggregate interests in theatres is slightly more than one-sixth of the country's total, based such an opinion on the fact that they did not enjoy a numerical monopoly, but it seemingly

(Continued on last page)

"The Cockeyed Miracle" with Frank Morgan and Keenan Wynn

(MGM, no release date set; time, 81 min.)

Good mass entertainment. Its unique plot is fantastic, but its blend of novel comedy situations and dramatic incidents has the ingredients for popular appeal. Although the story revolves around people who die but who remain on earth invisible to those alive, it is not objectionable because their actions are treated mostly in a comedy vein as they endeavor to help those they left behind. Most of the comedy stems from the fact that Frank Morgan, upon his death at the age of sixty, finds himself under the guidance of Keenan Wynn, his father, who had died at the age of thirty-six and whose youth had been preserved. The manner in which both straighten out the financial condition of Morgan's family is extremely humorous. The spectator is kept chuckling throughout, but on several occasions there are situations that are quite touching. To be appreciated, the picture should be seen from the beginning:—

Morgan, a sick, aging shipbuilder, worries because he had rashly invested his family's fortune, \$1,800, in a real estate venture without their knowledge. To keep the secret, he carried the property in the name of Cecil Kellaway, his old friend. Kellaway had found a buyer, but the man was waiting for a storm to learn if the property faced a safe anchorage. While Gladys Cooper, his wife, Audrey Totter, his daughter, and Marshall Thompson, his son, are at dinner, Morgan dies in his sleep. His spirit descends to the living room, where he finds the spirit of Keenan Wynn, his dapper father, waiting to take him to his reward. Morgan pleads with Wynn to delay their departure until he can straighten out the family's affairs, which were in a mess because of his investment. Wynn, sympathizing with him, invokes his power over the elements to create a storm, thus enabling Kellaway to sell the property for \$10,000. Happy that his family's problems would now be solved, Morgan asks Wynn for one more favor: that he be permitted to watch the faces of his family when Kellaway hands them the check. When Kellaway reaches Morgan's home and learns of his death, avariciousness gets the better of him and he decides to keep the check for himself. Morgan, frantic, calls upon Wynn for help. As Kellaway leaves the house, Wynn summons a bolt of lightning, which kills him. Knowing that the check with its explanatory endorsement would be found on Kellaway's body and turned over to the family, Morgan prepares to leave with Wynn. The wraith of Kellaway joins them as they depart.

Karen De Wolf wrote the screen play, based on a play by George Seaton, Irving Starr produced it, and S. Sylvan Simon directed it. The cast includes Richard Quine, Leon Ames and others. Unobjectionable morally.

"Sunset Pass" with James Warren

(RKO, no release date set; time, 60 min.)

A run-of-the-mill program Western. The story is not particularly novel, and it unfolds in a routine manner, but it should satisfy the followers of this type of entertainment, for it has all the familiar ingredients—horseback riding, shooting, some comedy, and romantic interest. The first half of the picture is too talky, slowing up the action considerably, but it manages to pick up speed in the second half, where the criminals are brought to justice. On the whole, however, there is not one situation that is outstanding and, as is usually the case in pictures of this type, one guesses in advance just what twists the plot will take:—

James Warren, an express company agent, accompanied by John Laurenz, his Irish-Mexican pal, sets out to stop a series of Arizona train robberies. Riding a train along the route affected, they meet Nan Leslie, returning to her family ranch near Sunset Pass, and Jane Greer, an entertainer, heading for an engagement in Wagon Tongue. Just as both men become interested in the girls, bandits hold up the train, steal a cash shipment from the express car, and make their escape into the hills. Upon reaching Wagon Tongue, both men are discharged for inefficiency but they determine to track down the bandits. They come across evidence indicating that Robert Clarke, Nan's brother, was one of the bandits. Through the influence of his sister and Warren, Clarke decides to reform, but he declines to expose the other members of the gang (Harry Woods, Harry Harvey, and Steve Brodie) because they had threatened to frame him for the killing of Robert Barrat's son, a murder actually committed by Woods. Moreover, they insisted that Clarke join them in robbing the local bank after the express company replaces the money stolen in the train holdup. On the day set for the robbery, Woods informs

Barrat that Clarke had killed his son, thus tricking every one in town to ride out to the ranch to lynch the young man, leaving the bank unguarded. Warren intervenes in time to save Clarke and orders every one back to town to thwart the robbery. In the battle that ensues, the desperadoes are killed. With Clarke in the clear, Warren makes plans to wed Nan.

Norman Houston wrote the original screen play based on the novel by Zane Grey. Herman Schlom produced it, and William Berke directed it. Unobjectionable morally.

"Step by Step" with Lawrence Tierney and Anne Jeffreys

(RKO, no release date set; time, 62 min.)

Just a program espionage melodrama. But it should appeal to audiences who are not too discriminating about plot defects, since it moves along at a fairly fast clip. It has some comedy, sufficient melodramatic action, and it holds the spectator in fair suspense. The story is concentrated mostly on the efforts of an ex-marine and his girl-friend to clear themselves of suspicion and to trap a trio of Nazi agents, who had cleverly involved them in a plot to steal a Government list of war criminals. The couple's adventures keep the action fairly exciting, and the situation in the closing scenes, where the foreign agents are trapped, is the most thrilling:—

Investigating post-war Nazi activities, Senator Harry Harvey, accompanied by Anne Jeffreys, his secretary, goes to his beach home to await the delivery of a list of known Nazi agents from Addison Richards, a Federal operative. Anne goes for a swim on the beach, where she meets Lawrence Tierney, an ex-marine on vacation. Meanwhile, three Nazi agents (Lowell Gilmore, Jason Robards, and Myrna Dell) gain entrance to the beach house, kill Richards and injure the senator, but they are unable to find the list, which was sewed into Richards' jacket. When Anne returns, they bind and gag her. Tierney, locked out of his car, goes to the beach house for Anne's aid and is puzzled when Myrna identifies herself as Anne. Suspicious, he asks a motorcycle policeman to investigate, but the Nazis cleverly lead the officer to believe that Tierney was a psychopathic case. When the Nazis leave, Tierney breaks into the house and discovers Anne. They phone the police about the murder and the injured senator, but when the senator's chauffeur, who was in league with the Nazis, denounces them as the attackers, both flee to avoid arrest, with Tierney wearing Richards' jacket. They seek refuge in an auto court owned by George Cleveland, who sympathizes with their predicament and offers to aid them. In the course of events, the Nazis discover the couple at the court, find the list, and decide to kill them. Tierney, crammed into the rear trunk of the Nazis' car, disconnects the tail-light wire and flashes an S.O.S. as the car roars along. The signal is seen and reported, and as Tierney engages the Nazis in a bitter fight on a deserted pier the police arrive and capture them. Cleared of suspicion, Anne and Tierney decide to wed.

Stuart Palmer wrote the screen play, based on a story by George Callahan. Sid Rogell produced it, and Phil Rosen directed it. Unobjectionable morally.

"Night Train to Memphis" with Roy Acuff, Allan Lane and Adele Mara

(Republic, July 12; time, 67 min.)

Wherever audiences appreciate Roy Acuff and his hillbilly music, this combination of comedy, melodrama, and music should prove to be acceptable program fare. Others, however, may find the proceedings quite tiresome, for the story is trite and its development so obvious that one knows from the beginning just how it will progress and end. The plot is the old one about a railroad magnate who resorts to devious tricks to deceive the villagers into selling their land. There is the usual battle between the railroad men and the villagers, and the expected complications that arise out of the romance between the magnate's daughter and the hero. There is no fault to find with the individual performances; it's just that the script did not give them half a chance:—

Using a fictitious name, Joseph Crehan, a railroad president, accompanied by Adele Mara, his daughter, comes to the town of Tranquility on a "fishing trip." Actually, he was hiding his identity as part of a plan to buy land for a railroad shortcut, which would ruin the neighboring farms. Coincident with Crehan's arrival Allan Lane returns home after serving a prison sentence on framed charges involving a railroad holdup. In the course of events, Roy Acuff, Lane's brother, saves Adele from drowning when she falls into

a lake, but he allows Lane to take the credit to further his romance with her. Crehan, grateful, gives a big party in Lane's honor, and uses the occasion to trick the farmers into selling their lands to him, presumably for the timber. When railroad construction begins, Lane discovers Crehan's trickery and incites the farmers to wreck the work camp. Peeved also at Adele, Lane tricks her into believing that she had killed Roy Barcroft, a bully, and holds the "crime" over her father's head to force him to return the lands he had bought under false pretenses. Meanwhile Adele becomes ill over the thought of her "crime." Lane goes to Barcroft to ask him to show himself, and accidentally comes across evidence proving that Barcroft had committed the railroad holdup. Barcroft escapes, but is killed in a running fight. Lane, to convince Adele that she was innocent, makes it appear as if Barcroft had been killed in a train crash. Crehan becomes friends with Lane and consents to his marrying Adele.

Dorrell and Stuart McGowan wrote the original screenplay and produced it. Leslie Selander directed it.

**"Lady Luck" with Robert Young,
Barbara Hale and Frank Morgan**
(RKO, no release date set; time, 97 min.)

Although hampered by a weak and unbelievable story, this romantic comedy, with a gambling background, offers fairly good entertainment mainly because of the engaging performances. It revolves around a young lady who marries a gambler on his promise to reform, only to become susceptible to the gambling urge herself. The plot is lacking in unusual twists, but it has a liberal quantity of laugh-provoking situations. A good part of the comedy is provoked by Frank Morgan, as the heroine's incurable gambling grandfather, and by James Gleason, another gambler, whose efforts to patch up the romantic misunderstandings makes matters worse and leaves him broke. The film's running time, however, is much too long for the story it has to tell:—

Having descended from a long line of ill-fated gamblers, Barbara Hale grows up with a deep hatred for gambling and keeps Morgan, her poker-playing grandfather, under control. She meets and falls in love with Robert Young, a successful gambler, and agrees to marry him when he promises to forsake his profession. They get married in Las Vegas and, while Barbara is out on a shopping tour, Young joins a dice game to help a friend recoup his losses. Barbara, seeing Young at the dice table, becomes convinced that he had broken his pledge and engages an attorney to obtain a divorce. When Young fails to patch up the misunderstanding, his gambling friends, headed by Gleason, trick Barbara into getting the gambling fever in the hope that she would become more tolerant. Their scheme backfires, however, and all go broke as Barbara turns lucky, winning a fortune and opening a gambling club of her own. She installs Morgan as the club's poker-player. Young, determined to bring Barbara to her senses, finances Gleason to play against Morgan in an effort to "clean her out." Morgan, understanding the situation, deliberately throws away a winning hand, losing the club. Barbara, learning the truth, reunites with Young, both vowing to renounce gambling.

Lynn Root and Frank Fenton wrote the screen play from a story by Herbert Clyde Lewis. Warren Duff produced it, and Edwin L. Marin directed it. The cast includes Don Rice, Harry Davenport, Lloyd Corrigan and others.

The gambling sequences make it unsuitable for children.

"Black Beauty" with Mona Freeman
(20th Century-Fox, September; time, 74 min.)

Adapted from Anna Sewall's well-known classic of the same title, this melodrama is an appealing program entertainment, best suited for the family trade. The story, which has been produced twice before, is wholesome and there are situations that direct human appeal. Its charm lies in the simplicity of the plot, which deals mostly with a young girl's love for a colt, and the heartaches she endures when the animal suffers injury and falls into the hands of cruel owners. The manner in which she finds the horse and rescues it from a blazing stable is somewhat wildly melodramatic, but indiscriminating audiences, particularly the children, should find it to their liking. The action takes place in England:—

Charles Evans presents Mona Freeman, his spirited teen-aged daughter with Black Beauty, a colt, in the hope that by disciplining the horse she would learn discipline herself. Under Mona's loving care, Black Beauty turns into a prize horse. Meanwhile Mona had become infatuated with Richard Denning, a young American, who spent most of his time with Evelyn Ankers, an older woman. Denning's attitude

brings Mona to the realization that he considered her to be a child and, in a jealous frenzy, she mounts a high-spirited horse and puts on a display of reckless horsemanship, which results in her being injured. Denning mounts Black Beauty on a mad ride for a doctor, who in turn rides the exhausted steed back to Mona's bedside. Mona recovers, but the wild ride leaves Black Beauty with injured legs. When Mona enters finishing school, her father orders Black Beauty shot to spare the horse further suffering, but J. M. Kerrigan, the groom, takes the horse to a neighboring farm in the hope that it would recover. Upon Mona's return, she learns that the neighbor had sold Black Beauty as a carriage horse. She begins a frantic search for the animal eventually finding it in a coal dealer's stable, which had caught fire. Impulsively, she rushes in to save the horse, but is overcome by smoke. Denning arrives on the scene in time to save both Mona and Black Beauty. It all ends with the horse recuperating under the watchful eye of Mona, who by this time had become Denning's wife.

Lillie Hayward and Agnes Christian Johnston wrote the screen play, Edward L. Alperson produced it, and Max Nosseck directed it.

**"Sister Kenny" with Rosalind Russell
and Alexander Knox**
(RKO, no release date set; time, 116 min.)

A very good dramatic entertainment. Biographical of Elizabeth Kenny, the famed Australian nurse, the story is a tender, sympathetic account of her discovery of an unorthodox method for the treatment of infantile paralysis, and of her efforts to have the medical profession adopt her method. It is the sort of story that will be understood, appreciated, and enjoyed by the masses, although it will undoubtedly stir up considerable controversy because organized medical authorities have refused to recognize her method and have even condemned it. There is deep human interest in many of the situations, awakened by Miss Kenny's sacrifice of her own personal happiness in order to aid those afflicted with the disease. Her unbounded faith in her work, despite the bigotry and selfishness of those who opposed her, stir one emotionally. Rosalind Russell, as Miss Kenny, is excellent. From the first time she appears at the age of 22 until she reaches her 60th birthday she is shown as a humane, warm and courageous person, displaying traits that endear her to the audience. Alexander Knox, as a Scottish doctor, who defies his colleagues to gain recognition for Miss Kenny, is first-rate:—

Graduating as a nurse in Australia, in 1909, Miss Kenny is offered a staff job in a hospital by Dr. Aeneas McDonnell (Alexander Knox), her friend and mentor. She declines, electing to work in the bush country, where doctors were scarce. In the course of tending to the sick, Miss Kenny is called upon to treat a little girl stricken with infantile paralysis. Unacquainted with the disease, she telegraphs McDonnell for advice. He replies that there was no known treatment and suggests that she "treat the symptoms." Knowing nothing of the orthodox treatment, she resorts to hot packs and manipulations of the muscles to restore muscular activity. By this method she cures the child and achieves remarkable results on six other stricken children. Meanwhile Kevin Connors (Dean Jagger), her childhood sweetheart, returns from duty with the Australian army. Together, they go to McDonnell to tell him of their plans to marry. McDonnell, astounded by the success she had in treating polio cases, takes her to Dr. Charles Brack (Philip Merivale), the hospital's orthopedic specialist. Brack ridicules her theories, condemns her treatment, and refuses to let her treat children in his care. McDonnell, upset by Brack's attitude, urges her to continue her work. She postpones her wedding in order to do so. Aided by McDonnell, she opens clinic after clinic, but despite her wonderful accomplishments they are closed down through the influence of organized medical authorities. Her work is temporarily halted by the outbreak of World War I, in which she serves as an Army nurse, but she resumes her fight against polio with the end of hostilities. She accomplishes much through the years, and her fame grows, but the opposition to her continues. A British Royal Commission condemns her methods, as does an American Committee later on. With the outbreak of World War II, Miss Kenny, now nearing her 60th birthday, is invited by the University of Minnesota to establish a Kenny Institute in Minneapolis. She goes there, happy that her efforts had won for her some recognition.

Dudley Nichols, Alexander Knox, and Mary McCarthy wrote the screen play, based on Miss Kenny's book "And They Shall Walk." Mr. Nichols produced and directed it.

ignored the fact that the monopoly consists of the defendants' control of important key first-runs, which in turn regulate the flow of product to the subsequent-runs, thus having a restrictive effect on their operations.

These spokesmen disagree also with the court's contention that in certain cities, where a single defendant owns all the first runs, the monopoly might have arisen from "the inertness of competitors" or "their lack of financial ability to build theatres comparable to those of the defendants." They refute this contention by pointing out that elsewhere in the opinion, under "Discrimination Among Licensees," the court found the "competitive advantages" of certain contract provisions "so great that their inclusion in contracts with the larger circuits constitutes an unreasonable discrimination against small competitors in violation of the anti-trust laws." And as further evidence of the court's inconsistency, they point to this statement, under "Clearance and Run," in which the court, after citing testimony of the defendants' general sales managers, says:

"The evidence we have referred to shows that both independent distributors and exhibitors when attempting to bargain with the defendants have been met by a fixed scale of clearances, runs, and admission prices to which they have been obliged to conform if they wished to get their pictures shown upon satisfactory runs or were to compete in exhibition either with the defendants' theatres or with theatres to which the latter have licensed their pictures. Under the circumstances disclosed in the record there has been no fair chance for either the present or any future licensees to change a situation sanctioned by such effective control and general acquiescence as have obtained."

The consensus of opinion in exhibition circles is that the New York Court's stand on theatre monopolies is at variance with the Supreme Court's decisions in the *Crescent and Bigelow (Jackson Park Theatre) Cases*, as well as with the decision of the Circuit Court of Appeals, 3rd Circuit, in the *Goldman Case*.

There is no doubt that the Government will appeal the issues to the Supreme Court for final adjudication.

"Canyon Passage" with Dana Andrews, Brian Donlevy and Susan Hayward

(Universal, July 26; time, 90 min.)

Although not exceptional, "Canyon Passage" shapes up as a fairly good outdoor melodrama. The excellent Technicolor photography, which enhances the beauty of the impressive Northwest scenic backgrounds, adds much to the entertainment values. The story, however, is not unusual, its treatment is routine, and the performances are standard. It has several exciting moments in which the spectator is held in suspense, but for the main part the action is slow-paced. A highlight of the film is a vicious brawl between Dana Andrews and Ward Bond. The picture picks up speed and becomes exciting in the final reels, where the pioneers combat an Indian uprising, provoked by Bond's killing of an Indian girl. The romantic interest is pleasant. Oregon, in 1856, is the scene of the action:—

Dana Andrews, proprietor of a general store and operator of a freight mule train in Jacksonville, silently loves Susan Hayward, who was engaged to his best friend, Brian Donlevy, manager of the local express office. Ward Bond, a physically powerful outlaw, tries to dominate the town, but in a vicious fight Andrews whips him and compels him to leave town. Andrews becomes engaged to Patricia Roc, daughter of Andy Devine, a settler, much to the disappointment of Vic Cutler, who, too, loved her. Susan, who preferred Andrews to Donlevy, becomes upset at the news. Meanwhile Donlevy has been losing steadily at gambling and, to cover up his losses, stole gold that had been entrusted to him by the miners. He finally murders one of the miners to prevent discovery of the theft. Lloyd Bridges, the murdered man's friend, traces the crime to Donlevy and forces him to stand trial at a "kangaroo" court. The townspeople demand that he be hung immediately, but Andrews intervenes and insists that he be given a legal

trial. Donlevy's fate is left undecided, however, when word comes of an Indian uprising, caused by Bond's killing of an Indian girl. The townspeople, headed by Andrews, band together to oppose the Indians. The town is invaded and burned, and many of the settlers, including Bond and Donlevy, are massacred before the uprising comes to an end. After the battle, Patricia realizes her love for Cutler and informs Andrews that she cannot marry him. Andrews and Susan confess their love for each other and make plans to start life anew.

Ernest Pascal wrote the screen play from the novel by Ernest Haycox, Walter Wanger produced it, and Jacques Tourneur directed it. The cast includes Hoagy Carmichael, Rose Hobart and others.

Unobjectionable morally.

"Home Sweet Homicide" with Randolph Scott, Lynn Bari, James Gleason, Peggy Ann Garner, Connie Marshall and Dean Stockwell

(20th Century-Fox, October; time, 90 min.)

This fast-moving murder-mystery melodrama has some unusually good comedy situations, a novel plot, expert direction, and fine performances. It is good entertainment for the entire family since it stresses the comedy angle more than the melodrama, and since it revolves mainly around a woman novelist's three precocious children, who utilize the knowledge they had acquired from their mother's mystery novels to help solve a murder and to bring romance into her life. The manner in which the children deliberately create false clues and in other ways baffle the police in order to attain their objective is extremely amusing. The children, Peggy Ann Garner, Connie Marshall, and Dean Stockwell, particularly the latter, give excellent performances. The settings are not pretentious, but they are in perfect harmony with the story. The romantic interest is incidental but charming:—

Lynn Bari, a young widow, supports her three children by grinding out mystery novels. Believing that it would do their mother good to have a companion, the children plan to invite to dinner Stanley Logan, a mystery writer who lived two doors away. On the way to Logan's home, they pass the house of John Shepperd, whose wife was their mother's agent, and hear two gunshots. Intuitively, because of reading their mother's novels, the children take note of the exact time the shots were fired, since such a clue was vital in solving a murder. Anabel Shaw rushes out of the house sobbing that Shepperd's wife had been murdered, and shortly afterwards detectives James Gleason and Randolph Scott arrive to investigate. They question Anabel and, upon learning that Shepperd wanted to divorce his wife to marry her, come to the conclusion that he had committed the crime. The children, seeing an opportunity for their mother to solve the case and thus gain wide publicity, make known the fact that they heard the gunshots but deliberately falsify the time so as to knock the police off the track. The time they give Scott knocks out his theory that Shepperd committed the murder. When their mother refuses to take an interest in the case, the children decide to solve the crime themselves. They accidentally come across Shepperd hiding in a basement, afraid that the police would blame him for the crime. In return for keeping his hideout a secret, he informs them that his wife was a professional blackmailer and that a list of her victims was somewhere in the house. The children manage to obtain the list and become convinced that blackmail was at the bottom of the crime. Their amateurish efforts to solve the crime puts Scott on the trail of the criminal, who turns out to be Logan, one of the dead woman's blackmail victims. The case cracked, Scott turns his attentions to Lynn, much to the delight of the children.

F. Hugh Herbert wrote the screen play, based on the novel by Craig Rice. Louis D. Lighton produced it, and Lloyd Bacon directed it.

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AN ANALYSIS OF THE COURT'S OPINION — No. 6

(From a layman's point of view)

General Considerations

For many years the distributor-defendants have contended that, based on their copyrights, their method of doing business was legal. The following statement by the court dispels that contention in language that is unequivocally clear:

"It may be said that such restrictions in commercial dealings as we would impose will interfere with the right of a copyright owner to choose his customers or contract for the disposition of his own property. The answer is that no such absolute right exists where its exercise will involve an extension of a copyright monopoly or an unreasonable interference with competition in the distribution and exhibition of motion pictures. A system of fixed admission prices, clearances and block-booking is so restrictive of competition in its tendency that it should be modified to comply with the terms of the Sherman Act. The modifications in practices we have indicated will relieve conditions that have grown up through the years. . . ."

Pointing out that the condemned practices are defended "on the ground that business convenience and long usage ought to sanction them," the court declares that, "in spite of their long continuance, we cannot escape the conclusion that in various ways the system stifles competition and violates the law and that business convenience and loyalty to former customers afford a lame excuse for depriving others of rights to compete and for perpetuating unreasonable restrictions. . . ."

"It is argued," continues the court, "that the steps we have proposed would involve an interference with commercial practices that are generally acceptable and a hazardous attempt on the part of judges—unfamiliar with the details of business—to remodel its delicate adjustments which have hitherto provided the public with what is a new and great art. But we see nothing ruinous in the remedies proposed. Disputes which may arise under the bidding system are likely to relate to questions whether the bidder has a theatre adequate for the run for which he bids, whether the clearance requested is reasonable as regards his own theatre and those of others, and similar matters generally involved in comparing bids. If the defendants will consent to an arbitration system for the determination of such disputes of the kind that has worked so well under the consent decree, they will facilitate the adjustment of most of the differences that are likely to occur, with a large saving of time and money as compared with separate court actions."

It should be noted that the court, in recognizing that disputes are bound to arise under a competitive bidding system, is urging rather than ordering the establishment of an arbitration system. Elsewhere in the opinion the court has conceded that "we cannot bind any parties to subject themselves to the arbitration system or the board of appeals set up in aid of it without their consent, even though we may regard it as desirable that such a system, in view of its demonstrated usefulness, should be continued in aid of the decree. . . ." In its provisions for a decree, the court directed that the decree shall provide also for an arbitration system

"in respect to all parties who may consent to the creation of such tribunals. . . ." In other words, the court's references to arbitration are in the nature of recommendations as a means of avoiding costly law suits.

"A suit in the district court for violation of the Sherman Act," concludes the court, "is doubtless an awkward way to cure such ills as have arisen, but it is perhaps the best remedy now available to the government. There surely are evils in the existing system, and the Sherman Act provides a mode of correction which is lawfully invoked. At all events, that which is written is written, and is controlling on us.

"It does not follow from the foregoing that we should wholly break up the exhibition business of each of the major defendants even though a 'root and branch' decree might be legally possible. Such total divestiture would be injurious to the corporations concerned, and, if we are right in our analysis of the situation, we should still have to give relief against price-fixing, systems of clearance, formula deals, master agreements and franchises, block-booking, pooling agreements, and other agreements we have held invalid. The relief proposed we believe should suffice, while total divestiture would be damaging to the public as well as the defendants and not accomplish any useful purpose at the present time."

In other words, the court, though admitting that total divestiture is "legally possible," believes that such a remedy is too drastic and is of the opinion that the discriminatory practices it has outlawed and the reforms it has instituted will give practical effect to the Sherman Act, thus restoring free and open competition in the motion picture industry.

As a matter of fact, the court looks upon its remedy against the discriminatory methods that have been practiced by the defendants as being no more severe than the remedy the Supreme Court imposed in the Crescent Case. With this line of reasoning most independent exhibitor leaders disagree; they feel that a decision permitting the Big Five to retain their vast theatre holdings in the key-run situations is by far milder than a decision that requires comparatively smaller circuits to be dissolved, as has been the case in the Crescent decision handed down by the Supreme Court, and in the recent Schine decision handed down by the district court in Buffalo.

As it has already been said, the main issue of total divorce-ment will undoubtedly be appealed to the Supreme Court for final decision.

* * *

As of this writing, the following is the status of the New York anti-trust suit since the decision was handed down on June 11:

On June 20, in accordance with the court's directive, the Department of Justice submitted its proposal for a judgment and decree, which was a literal translation of the decree outlined in the decision, except for certain amplifications. These included, among others, suggestions designed to make effective the injunctive provisions of the decree so as to prevent evasion; a suggestion that a 25% cancellation right be granted on blind-bought pictures; a suggestion that the words "of size and equipment" be omitted from the qualifications

(Continued on last page)

"Two Guys from Milwaukee" with Dennis Morgan, Jack Carson and Joan Leslie

(Warner Bros., Aug. 17; time, 90 min.)

Good entertainment. It revolves around a visiting prince from a mythical Balkan kingdom, who leaves his official duties to mix with the man on the street in order to learn what Americans are really like. It is a fast-moving farce that is frequently hilarious and, although the story has a familiar ring, zestful performances, clever dialogue, and snappy direction raise it to a high level. Most of the comedy is provoked by the mixups the prince gets himself into when he becomes chummy with a Brooklyn cab driver and falls in love with his girl. The plot is thin and improbable but it is sprightly, gay, and clever. Dennis Morgan, as the prince, is good, but it is Jack Carson, as the cab driver, who is responsible for most of the laughs:—

Eluding S. Z. Sakall, his chamberlain, Morgan determines to learn something about the American people. He strikes up an acquaintance with Carson and, to conceal his identity, tells him that he came from Milwaukee. Carson, born in Milwaukee, takes him in hand. Both become gloriously intoxicated, and Morgan ends the evening by sleeping in Carson's apartment. On the following morning, Carson learns the truth about Morgan from newspapers, which publicized his disappearance, but promises to keep his identity a secret. Morgan decides to shave his mustache to avoid being recognized, and Carson takes him to a barbershop, where he introduces him to his girl-friend, Joan Leslie, a manicurist. At Carson's suggestion, Joan and Morgan spend the day together. A mutual attraction grows up between them, much to the annoyance of Carson. A series of tussles ensue between Carson and Morgan for Joan's affections, with Morgan eventually giving up Joan because of his royal duties. Scheduled to make a broadcast to his people on the eve of their plebiscite to decide between a monarchy and a republic, Morgan discusses the situation with Carson, who tells him of the blessings of a democracy without being aware that his remarks were going over the air. As a result, the people vote for a republic, leaving Morgan a free man and making of Carson a national hero. Morgan resumes his pursuit of Joan, but after a series of further mixups she chooses Carson. Morgan bows out of their life and heads for Milwaukee to accept a job with a beer company.

Charles Hoffman and I. A. L. Diamond wrote the original screen play, Alex Gottlieb produced it, and David Butler directed it. The cast includes Janis Paige, Rosemary DeCamp and others. Unobjectionable morally.

"They Were Sisters" with James Mason and Phyllis Calvert

(Universal, no release date set; time, 108 min.)

This English-made production is a fairly entertaining human interest drama, but the enjoyment of it is spoiled by the poor editing and by the fact that most of the characters speak with such a thick English accent that a good part of the dialogue is unintelligible. Moreover, its running time is by far too long. Another fault, probably due to the choppy editing (according to reports, the picture's original running time was 155 minutes), is the fact that the story fails to make clear the reasons for the sadistic actions of James Mason, the central character, whose cruelties break his wife's spirit, drive her to suicide, and cause his children to hate him. Mason's role is most unsympathetic, but he plays it well. It is a serious drama, with many tender and touching moments, but it lacks conviction. No fault can be found with the picture from a production standpoint.

Covering a span of seventeen years, following World War I, the story revolves around the marital problems of three sisters. Phyllis Calvert, the eldest, marries Peter Murray Hill, and their happiness is saddened only by their lack of children. Anne Crawford, the second sister, marries Barrie Livesey, a substantial fellow, but her flightiness and affairs with other men mar their happiness and that of their little daughter. Dulcie Gray, the youngest sister, who was a meek

person, marries James Mason, a gay young fellow, but with the passing years Mason soon revealed his true character by his consistent cruelties to Dulcie and their three children. In love with Mason but hurt by his unkindness, Dulcie takes to drink and becomes a miserable wreck. Phyllis tries to aid her, but Mason compels her to leave his home and sees to it that Dulcie receives no medical aid. Matters reach a crisis when Dulcie, maddened by Mason's cruelties, rushes out of the house and is killed by a passing car. Prior to the inquest, Mason asks Phyllis to say nothing of Dulcie's mental condition lest it harm the family, but Phyllis gives evidence that proves him morally responsible for her death. Mason's children shun him and go to live with Phyllis, as does Anne's child after her parents' divorce. It ends with the four children of two unhappy marriages finding contentment in Phyllis' childless home.

Roland Pertwee wrote the screen play from the novel by Dorothy Whipple. Harold Huth produced it and Arthur Crabtree directed it.

Unobjectionable morally.

"Claudia and David" with Dorothy McGuire and Robert Young

(20th Century-Fox, September; time, 78 min.)

Good mass entertainment, particularly for women audiences because of its emotional appeal. It is a thoroughly charming sequel to "Claudia," which 20th Century-Fox released in 1943, with the same players enacting the leading roles. As in the first picture, this story is an appealing mixture of pathos and comedy. Most women will cry during some of the situations, as for instance the one in which Dorothy McGuire, unable to restrain her emotions, bursts into tears upon learning that Robert Young, her husband, would recover from a serious injury he had accidentally suffered. The comedy, too, is very good. The petty misunderstandings between Miss McGuire and Young, and their subsequent reconciliations, keep one chuckling throughout. The atmosphere and the type of entertainment this picture presents comes as a welcome relief from the present-day sophisticated and psychological dramas:—

As they leave home to attend a dinner party, Young, an architect, chides Dorothy about acting like a neurotic because of her constant concern over the health of their young son (Anthony Sydes). At the party, Young gets into a deep discussion with Mary Astor, an attractive widow, about plans to modernize her farm, while Dorothy becomes chummy with John Sutton, whose wife, Rose Hobart, was a jealous woman. Jerome Cowan, a spiritualist entertaining the guests, upsets Dorothy by warning her not to permit Young to take a proposed trip to California for fear of an accident. Worried about her baby, but not wishing to disturb Young's conversation with Mary, Dorothy accepts Sutton's offer to drive her home. She finds the child ill with measles. On the following day, when Young displays irritableness over the fact that Sutton had driven her home, Dorothy chides him about being jealous only to feel pangs of jealousy herself when Young informs her that he was to spend the day with Mary, working on plans for the farm. Their petty quarrels over his professional relationship with Mary are climaxed by a fresh quarrel over Young's proposed trip to California to attend an architects' convention. Remembering Cowan's warning she tries to induce him not to go, but when he insists she flatly refuses to accompany him. That evening, while on his way home, Young is injured critically when a drunken driver crashes into his car. Dorothy spends an agonizing day waiting for news of his condition and breaks into a torrent of grateful tears when word comes that he will live. Upon Young's return from the hospital, Dorothy, satisfied that the accident Cowan had predicted had already occurred, changes her mind and agrees to accompany Young to California.

Rose Franken and William Brown Meloney wrote the screen play from stories by Miss Franken. William Perlberg produced it, and Walter Lang directed it. The cast includes Gail Patrick, Harry Davenport, Florence Bates and others.

Unobjectionable morally.

"Holiday in Mexico" with Walter Pidgeon, Jane Powell and Roddy McDowall

(MGM, no release date set; time, 127 min.)

A first-rate Technicolor musical. It is the type of entertainment that should please all sorts of audiences, for many reasons: The settings and photography are splendid; it has unusually good music that ranges from the popular variety to the classics; amusing comedy situations; pleasant romantic interludes; a thin but charming story; and good performances. The central character of the story is youthful Jane Powell, whose ingratiating personality and crystal-clear singing voice are a delight to the eye and ear. As the impulsive daughter of the American ambassador to Mexico, Jane keeps one chuckling throughout by her efforts to run her father's social affairs, her puppy-love romance with Roddy McDowall, and her imagined love affair with Jose Iturbi. Walter Pidgeon, as the ambassador, is his usual suave self, making the character wholly likeable and believable. Iturbi's piano playing; Ilona Massey's singing; Xavier Cugat's music; and an hilarious comedy bit by Mikhail Rasumny, are but a few of the highlights that will leave most patrons thoroughly entertained:—

Fancying herself quite grown up at the age of fifteen, Jane looks upon Roddy, 16-year-old son of the British ambassador, as not quite a man and quarrels with him when he becomes "serious." She turns her attentions to arrangements for an embassy ball, and visits a smart cafe to extend an invitation to Xavier Cugat and to Ilona Massey, his singer. Both agree to attend. She then visits Jose Iturbi, who mistakes her for a singer he had been expecting and talks her into singing before she can explain her mission. Charmed with her voice, he graciously agrees to come to her party. Meanwhile Pidgeon, learning of Ilona's presence in Mexico, renews a romance with her that had started years previously in Europe. Devoted to her father, and piqued by his constant attentions to Ilona, Jane turns to Iturbi for solace and fancies herself to be madly in love with him. Roddy, jealous, discloses the "affair" to Pidgeon. Disturbed, Pidgeon visits Iturbi. The pianist is stunned to learn of Jane's affection for him, but Pidgeon puts an end to his embarrassment by diplomatically revealing to Jane that he (Iturbi) was a grandfather. But, before accomplishing Jane's disillusionment, Pidgeon finds himself in a similar predicament involving one of Jane's young girl-friends, who had mistaken his polite manner for love. It all ends with Jane's acceptance of her father's romance with Ilona, her reconciliation with Roddy, and her singing debut at a gala concert staged by Iturbi.

Isobel Lennart wrote the screen play from a story by William Kozlenko, Joe Pasternak produced it, and George Sidney directed it. The cast includes Hugo Haas, Ann Codee, Ampara Iturbi and many others.

"Sing While You Dance" with Ellen Drew and Robert Stanton

(Columbia, July 25; time, 72 min.)

A moderately entertaining program comedy, with some music. The story and treatment are routine, and it hasn't much human interest since the characters involved are not the type that arouse sympathy. But it is light entertainment and should amuse those who are not too particular about story values. Some of the situations are amusing enough to provoke laughs, but a good part of the comedy is too inane to be funny. The music, though not outstanding, is melodious, and is sung pleasantly by Robert Stanton and Amanda Lane:—

Seeking a position as a "song plugger," Ellen Drew tricks Robert Stanton, another "song plugger," into giving her an opportunity to have an unknown song introduced in a fashionable night-club. She accomplishes her aim with the aid of Amanda Lane, a dear friend, whose singing of the song establishes it as a hit. Andrew Tombes, Stanton's employer, is so pleased with Ellen's accomplishment that he ridicules Stanton. Angered, Stanton quits his job and joins a rival-music publisher. Discovering that the writer of the song was unknown and that more of his songs were in demand, Ellen and Stanton, working independently, trace

him to a small town, where they learn that he was a dead millionaire. Both land in jail when they are caught in the dead man's mansion rummaging through his effects for another song. The composer's widow arranges for their release, however, when she learns that they wanted to publish her husband's works. Both Ellen and Stanton resume their race, with Ellen being the first to find a second song. But her triumph is shortlived when she discovers that, though the lyrics were good, the music was sub-standard. She calls upon Stanton, an amateur composer, to adapt his own music to the lyrics. The story ends with the song a success and with the merger of the rival firms, which employ both Ellen and Stanton to publicize the song.

Robert Stephen Brode wrote the screen play from a story by Lorraine Edwards, Leon Barsha produced it, and D. Ross Lederman directed it.

Unobjectionable morally.

"Notorious" with Ingrid Bergman and Cary Grant

(RKO, no release date set; time, 101 min.)

Very good adult entertainment! Written by Ben Hecht, the story is an intriguing mixture of romance and counter-espionage, presented in a manner that holds one's interest undiminished from start to finish. It has been given a fine production and, as can be expected, Alfred Hitchcock, who produced and directed, skilfully sustains the ever-increasing suspense throughout. Brazil is the locale of the action, and the uncovering of Nazi activities in connection with uranium ore deposits is the basis of the story. Ingrid Bergman, as the daughter of a convicted Nazi spy, but herself a loyal American spy, is perfect. No matter what type of role she plays, there seems to be no end to her versatility. Cary Grant, too, gives a fine performance, as do the others in the supporting cast. At no time does the action become violent, but there is an undercurrent of excitement throughout. The closing scenes, in which Grant rescues Ingrid from the spies without as much as a scuffle, offer the sort of suspense that will keep the spectator on the edge of his seat. It is a typical Hitchcock ending, done masterfully:—

Following the conviction of her father as a Nazi spy, Ingrid, a notorious sophisticate, plans to run away from Miami although she was innocent of any wrongdoing. But Cary Grant, a Government agent, who had proof that she was a loyal American citizen, induces her to accompany him to Brazil on an important secret mission. While waiting for their assignment, the pair fall in love, but their romancing gives way to business when Grant receives his orders. These were for Ingrid to become friendly with Claude Rains, a leader among wealthy German exiles in Rio, who were suspected of working on a mysterious project. Ingrid's task was to learn their secret. She prefers to give up the assignment because of her love for Grant, but accepts it because of a mistaken notion that he did not love her. Her father's reputation smooths the way for Ingrid, and before long Rains proposes marriage to her, over the objections of Mme. Konstantin, his domineering mother. She marries Rains as part of her job and, aided by Grant, succeeds in learning that Rains and his associates had found a huge deposit of uranium ore and that they planned the secret manufacture of atomic weapons. Meanwhile Rains discovers that Ingrid was a spy. He and his mother, without revealing their knowledge to Ingrid, decide to kill her, but in a manner that would not lead their associates to suspect Rains' fatal mistake; they set about to poison Ingrid. The young woman becomes deathly ill, and Grant, worried when she fails to keep an appointment with him, goes to Rains' home to investigate and finds her dying. He gathers Ingrid into his arms and, under threat of disclosing Rains' secret to his associates, compels Rains to help him take her out of the house and to a hospital. It is indicated that Rains' companions learn the truth and plan to "liquidate" him, leaving Grant free to marry Ingrid.

The cast includes Louis Calhern, Reinhold Schunzel, Moroni Olsen, Alex Minotis and others.

Unsuitable for children.

in determining whether a theatre is adequate to exhibit a picture upon the terms offered; a suggestion that theatre pools be terminated within one year after final judgment is entered; a provision requiring that the defendants furnish, at the earliest possible date, notice of contemplated theatre acquisitions so that the court and the Department of Justice may have ample time to study and determine the competitive effect of such purchases; and a suggestion that no stay be granted in the elimination of existing franchise and formula deals.

The Department of Justice filed its interpretation of the decree under a procedure that would have paved the way for an early appeal to the Supreme Court, but the Statutory Court, on June 25, granted the defendants an extension until September 15 to submit their proposals for a decree, setting October 7 as the deadline for oral argument to settle whatever issues cannot be agreed upon between the defendants and the Government.

Meanwhile the defendants, under an informal agreement with the Department of Justice, have agreed to put as many court recommendations as possible into effect prior to the final decree. These include putting an end to fixing minimum admission prices; abstaining from further theatre expansion; dissolving as many theatre pools as possible; and inaugurating a system of single-picture selling, which was to have started on Thursday of this week.

(The policy of single-picture selling has been agreed to only by the five major distributors. The "Little Three"—Columbia, Universal, and United Artists, have not, at this writing, reached an agreement with the Department as to the policy they will follow.)

In the meantime, exhibitor organizations throughout the country are studying the decision closely. On July 16 and 17, the Executive Committee of Allied States Association met in Washington to consider the different aspects of the decision, particularly in regard to the auction-selling provisions, which it regards as the "Court's substitute for the traditional Sherman Act remedies of divestiture and dissolution." The committee met informally with Department of Justice officials to voice objections to certain features of the proposed decree as well as to make recommendations. Pending a report to its Board of Directors, the committee has withheld comment on its deliberations. On July 18, the executive committee of the MPTOA, too, conferred with the Department of Justice, at which time it submitted recommendations for the decree and condemned the auction-selling provisions as outlined in the decision.

There is no question that the decision will bring about many revolutionary changes in the distribution and exhibition of pictures. It follows that many exhibitors will naturally be in a quandary wondering how the changes may affect their particular situations. Advice given at this stage of the proceedings can be based only on conjecture and, as such, may serve to confuse rather than help the exhibitor. Until the different problems raised by the decision have been either clarified or solved, and until a definite pattern takes shape, HARRISON'S REPORTS suggests to the exhibitors that they carry on their operations guided by nothing more than common sense in the buying and booking of their pictures. As developments take place, there will be plenty of time to adjust your operations in orderly fashion.

SOUND ADVICE FROM PETE WOOD

Pete Wood, secretary of the Independent Theatre Owners of Ohio, an Allied affiliate, has this to say in a July 23 bulletin sent to his members:

"Once more Columbia distinguishes itself. After two months of uncertainty as to its sales policy for 1946-47, they come up with a 'humdinger.'

"Columbia salesmen are out in the territory offering ex-

hibitors 27 'Special Feature Attractions'. No stars, casts or directors are mentioned, nor is the story identified—it is just a list of titles, including the following: 'Horse Picture No. 2' — 'Crime Doctor No. 2' — 'The Whistler No. 2' — 'Bulldog Drummond No. 2' — 'Boston Blackie No. 2' . . .

"The pictures are individually priced, and it is presumed that the exhibitor can buy those he wants and omit the rest. But on what basis can a selection be made? To add insult to injury, the pictures are offered at staggering increases representing two to three times former film rentals. Exhibitors are warned that these 27 pictures represent absolutely bottom brackets of this company's future releases.

"But here's the pay-off. The argument used to stampede and frighten exhibitors into those deals will be, 'There will be a terrific shortage of pictures in August and the exhibitor needs a backlog of product.' And what a backlog—the absolute dregs of Columbia's program, with the best pictures withheld to be sold in the future at the fanciest figures that Columbia ever had the nerve to quote.

"Thoughtful exhibitors are keeping their heads and are not being deluded by these reprehensible sales practices. Suicide deals with Columbia will mean writing yourself out of this business. Now—more than at any other time in the entire history of motion pictures—you must keep calm and maintain your courage. Do not be stampeded into crazy film deals. And above all else, consult your organization for accurate, up-to-the-minute information."

"Great Day" with Eric Portman and Flora Robson

(RKO, no release date set; time, 68 min.)

It is doubtful whether this British production with an all-English cast will go over with American audiences. As has been the fault with many other English pictures, it moves slowly, consisting of more talk than action, although there is some human interest and the main characters are sympathetic. Moreover, the story, which deals with the events in a small village twenty-four hours prior to a visit from Mrs. Eleanor Roosevelt, during World War II, is somewhat outdated, and it contains little that will be of interest to American picture-goers. The background,—that of rural life in the English countryside,—is very good. At best, the picture belongs on the lower-half of a double bill:—

All agog over the forthcoming visit of Mrs. Roosevelt, the women of Denley work feverishly to put the village hall in order. Their work is supervised by Flora Robson, whose husband, Eric Portman, lived in memories of his past glory in World War I, and who kept his family impoverished by his efforts to keep up appearances. Sheila Sim, their nineteen-year-old daughter, was in love with Philip Friend, a gay young officer, but having had her fill of economic insecurity she had promised to marry Walter Fitzgerald, a well-to-do middle-aged farmer. While all work in the hall, Margaret Withers, Fitzgerald's dour spinster sister, learns of her brother's engagement and denounces Sheila as a fortune hunter. That night, at a local inn, Portman, without funds to return the hospitality of some visiting soldiers, steals some money from a girl's handbag only to be caught and arrested. Miss Robson, understanding his shame, tries to comfort him, but Portman, his pride wounded, heads for the river bent on committing suicide. Meanwhile Sheila returns home from a reconciliation with Friend and finds her mother in a state of anxiety. She rushes out after her father, overtakes him at the river bank, and convinces him that he must face life with the same courage that he faced death in the last war. On the following day, Portman proudly joins his family in welcoming Mrs. Roosevelt to Denley.

John Davenport, Lesley Storm and Wolfgang Wilhelm wrote the screen play from a play by Mr. Storm, Victor Hanbury produced it, and Lance Comfort directed it.

Unobjectionable morally.

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FORTHCOMING LEGAL ANALYSIS OF THE ANTI-TRUST DECISION

Beginning with the issue of April 18, and ending with that of June 27, 1936, there appeared in HARRISON'S REPORTS a series of articles entitled, "Anti-Trust Litigation in the Motion Picture Industry"; they were written by George S. Ryan, the famous attorney of Boston.

In those articles, Mr. Ryan discussed the different industry practices in considerable detail, and commented upon substantially all the decisions in which the legality of these practices was considered. He made clear predictions that, if specific practices, such as admission price-fixing, for example, were challenged in a competent court, they would be declared illegal.

In the concluding article, Mr. Ryan recommended the institution of an action by the Government and predicted correctly the condemnation of many of these practices.

Mr. Ryan has made a profound study of the anti-trust laws and is familiar with the practices prevalent in the motion picture industry as thoroughly as, I believe, any other lawyer in the business. He has conducted successfully many important anti-trust suits in behalf of independent exhibitors. In such litigation he represented Morse and Rothenberg, of Boston, The Savannah Theatre Company, of Savannah, Ga., and many other exhibitors. In Maine he was counsel for the independent exhibitors who had brought an action against a competing circuit, resulting in findings of a Special Master, summarized in the articles entitled "Amazing Facts and Findings," published in the issues of HARRISON'S REPORTS of November 20 and 27 and December 4, 1943.

It was difficult for me to induce Mr. Ryan to write those articles, and he consented to do so only because of our friendship, and because of the good that such articles would do.

Since the rendering of the decision of the Court in the New York equity case, I have been able to prevail on him to make another contribution to the industry by analyzing and commenting upon the decision.

In the course of the articles, the first of which will appear in next week's issue, Mr. Ryan will, not only point out the highlights of the opinion as they affect the Government and the industry in general, but also explain in what respects the decision may concern independent exhibitors. And, where the occasion requires, he will comment upon other recent decisions under the anti-trust laws in motion picture cases.

In the original articles Mr. Ryan, after a preliminary statement of the purpose and effect of the Federal anti-trust laws, and of the history of the industry, including the old Motion Picture Patents Company, the "Hays Organization" and the Film Boards of Trade, discussed litigation in the industry under different topics.

In the concluding articles of the series, Mr. Ryan, after pointing out the illegality of various industry practices, stated that, when challenged, these would be declared unlawful, and he strongly recommended that the Government bring an all-inclusive action for the purpose of eliminating the objectionable practices.

Here are a few examples of Mr. Ryan's accurate predictions and comments:

In the issues of April 25 and May 2, 1936, in connection with admission prices, he pointed out that "Price-fixing is one of the greatest evils of monopoly"; and that the Federal Circuit Court of Appeals in New York had stated that an agreement in a sale or lease, either actual or implied, as to the maintenance of resale prices, was unlawful.

After commenting on various decisions and stating his own view that the fixing of minimum admission prices was illegal, he concluded:

"... Whether a distributor who merely licenses the exhibition of films may, by agreement with the exhibitor alone, prescribe the minimum admission price, is still open to some question. If, however, there is a combination of distributors, the concerted action manifestly constitutes a conspiracy in restraint of trade."

In the issue of May 9, 1936, in speaking of block-booking, he declared that the system was "illegal if it results in monopoly or suppression of competition, or if it is itself the result of an agreement between competitors," and declared that "such is the view of the distributors themselves." He also said:

"The full story, however, has never been told: Block-booking is merely a surface excrescence of a malignant growth that cannot be cured by the application of an external salve—by giving an exhibitor a theoretical right to reject a few films of a full line, or to receive indefinite information of the themes of prospective photoplays. The evil lies deeper; and, as will be hereinafter explained, it can be eradicated only by a major surgical operation."

At the end of the articles, after indicating that relief from the criticized practices might conceivably come from Congress, State Legislatures, by action of the independent exhibitors themselves, he concluded that, since the problem was "one that intimately concerns the federal government," action should be taken by the Department of Justice. Here is the conclusion of that series of articles:

"The great economic evil now afflicting the industry is the control of all the essential elements of production, distribution and exhibition by a group of five large corporations and three smaller companies, which are united in a formidable trade association. Control of production and distribution, as already pointed out, is enough to ruin any competing exhibitor. Control of exhibition is sufficient to destroy any independent producer or distributor.

"In view of the fear and unrest prevalent in the industry, it would seem as if the time had now come for a definite and conclusive test of all challenged practices, and of the legality of the combination known as the Hays Organization. If there exists practices that are unlawful because of agreements or united efforts of distributors; if the major companies are monopolizing interstate commerce in motion picture films; if, as sometimes alleged, the Hays Organization is in itself a combination in restraint of trade—if these allegations can be established, then the evils should be eradicated. But, if, on the other hand, no wrong is being done, then the distributors should be vindicated.

(Continued on last page)

**"Slightly Scandalous" with Fred Brady,
Sheila Ryan and Paula Drew**

(Universal, August 2; time, 62 min.)

Just a moderately entertaining program comedy with music. The story, which is a hodge-podge of farcical situations revolving around identical twins (both played by Fred Brady), is silly, and for the most part barely holds one's interest. At best, it may get by as the second half of a program where a strong first feature is used. The interjection of a few songs and specialty numbers help matters to a degree, but they are of slight importance to the picture as a whole. In its favor is the fairly swift pace:—

Fred Brady, an ambitious band leader, seeks to interest Walter Catlett, a fountain pen manufacturer, to advertise his product by sponsoring a television show. Catlett has misgivings about the scheme, but Sheila Ryan, his daughter, persuades him to attend an audition. To finance the production, Brady tricks his straight-laced twin brother (also played by Brady) into loaning him some money. Complications arise when Isabelita, a Latin entertainer, with whom Brady had been friendly and to whom he had promised the lead in the show, arrives at the studio and demands that he keep his promise. Lest Isabelita's presence lead Paula Drew, his fiance and singing star, to suspect the truth, Brady drafts his shy twin brother to impersonate him and to be affectionate to Paula. The twin, to protect his investment, agrees. Added to Brady's troubles with Isabelita was the fact that he had to be attentive to Sheila in order to get her father's account. Meanwhile Paula, unaware that she was romancing with the twin brother, tries to further a marriage between Brady and Sheila. In the course of events, Isabelita discovers Brady's duplicity and informs the girls that they were being hoodwinked. Sheila, in retaliation, tricks Brady into believing that he had married her, only to find her scheme backfiring when her family arranges a quick formal wedding and the twin brother, happening on the scene, is made to stand at the altar with her. Brady and Paula arrive in time to stop the wedding, and it all ends with Paula consenting to marry the twin brother, while Sheila agrees to take Brady for better or worse. As both couples embrace, a third brother (also played by Brady) presents himself to offer congratulations.

Erna Lazarus and David Manners wrote the original screen play, Stanley Rubin produced it, and Will Jason directed it. The cast includes Jack Marshall and others.

Unobjectionable morally.

**"Genius at Work" with Wally Brown
and Alan Carney**

(RKO, no release date set; time, 61 min.)

A mediocre program comedy-melodrama. As radio sleuths on the trail of a sadistic murderer, Wally Brown and Alan Carney resort to trite slapstick tricks to provoke laughs, such as getting themselves caught in a torture machine and becoming embroiled in a chase on the ledge of a high building in the "Safety Last" manner. Their antics may amuse children but adults will probably be bored by the forced comedy and by the ridiculousness of the story. The dialogue assigned to the two comedians is painfully inept; no matter how hard they try to be funny it is a hopeless

task. The presence of Bela Lugosi and the late Lionel Atwill as the sinister villains can be made a subject of exploitation in trying to put this picture across:—

Atwill, a sadistic murderer who killed for pleasure, is aided in his nefarious schemes by Bela Lugosi, his butler. To add suspense to his crimes, Atwill, posing as an amateur detective, gives clues to the "Crime-of-the-Week" radio program, which was written by Anne Jeffreys and enacted by Carney and Brown. When Anne's predictions on the program hit too close to the truth, Atwill resorts to numerous tricks to scare Anne and the boys into giving up their radio show; he feared that the predictions might lead to his unmasking. Carney and Brown favor quitting, but Anne insists that they carry on and catch the murderer themselves. She finds reason to suspect that Atwill was the mysterious killer but is unable to obtain evidence against him. Aware that Anne and the boys were closing in on him, Atwill decides to kill them during their next broadcast. He attempts to commit the murders by shooting poisoned darts at them through an air-conditioning vent, but kills the announcer instead. Atwill escapes, but the police and Anne, despite their lack of evidence, become convinced of his guilt. To trap Atwill, Carney and Brown announce that they would divulge the murderer's identity on their next broadcast. On the night of the broadcast, Atwill and Lugosi return to the air-conditioning room to stop the boys from revealing their secret. Their efforts are foiled and, after a chase on the ledge of a high building, both are shot by the police and topple to the street to their deaths. Carney and Brown are acclaimed as heroes for their part in ridding the community of the criminals.

Robert E. Kent and Monte Brice wrote the original screen play, Herman Schlom produced it, and Leslie Goodwins directed it. The cast includes Marc Cramer, Ralph Dunn and others.

Unobjectionable morally.

**"Blonde for a Day" with Hugh Beaumont
and Kathryn Adams**

(PRC, Aug. 29; time, 67 min.)

Although not exceptional, this third in the "Michael Shayne" series of murder-mystery melodramas is an improvement over the other two pictures; it should get by with indiscriminating audiences as a supporting feature. The story follows the pattern of the other pictures, with Hugh Beaumont, as the private detective, at odds with the police as he goes about the business of solving the crime. It holds one's interest to a fair degree since several people are under suspicion and it is not until the finish that the identity of the murderess is established. The comedy is passable:—

When his friend, Paul Bryar, is shot and wounded by hoodlums after writing a series of articles condemning Cy Kendall, chief of detectives, for his failure to solve several murders believed to have been committed by a gambling syndicate, Hugh Beaumont starts an investigation of his own. He learns that Frank Ferguson, Bryar's managing editor, had disapproved of the articles. Following up a clue, Beaumont discovers the murder of a young woman, who had offered to give Bryar vital information concerning the crimes. Lest he be accused of the crime by Kendall, who resented his investigation, Beaumont per-

suades Marjorie Hoshelle, the murdered woman's next-door neighbor, to cover up his movements. Through Marjorie, Beaumont comes across a fresh set of clues that lead him to suspect Richard Fraser, who claimed to be a friend of Marjorie's but who was actually her husband. Beaumont's investigation develops the fact that Ferguson, the managing editor, had suspected his wife (Sonia Sorel) of having had an affair with Bryar and had found her in Bryar's apartment at the time the reporter had been shot. He had smuggled her out of the apartment but, in their haste, she had dropped a gun out of her bag. Fraser had found the gun and had been using it to blackmail Ferguson. When ballistics experts identify the gun as the murder weapon, Kendall accuses Sonia of the crimes. But Sonia is cleared when Beaumont, aided by Kathryn Adams, his fiance and secretary, proves that Marjorie, by substituting gun barrels, had committed all the murders, subsequently engaging in blackmail, with Fraser as her accomplice.

Fred Hyton wrote the screen play based upon a story by Prett Halliday. Sigmund Neufeld produced it, and Sam Newfield directed it.

Unobjectionable morally.

"Traffic in Crime" with Kane Richmond and Adele Mara

(Republic, June 28; time, 56 min.)

A formula program melodrama, suitable for small towns and for second and third grade theatres in the neighborhoods of big cities. Although it deals with racketeers who control the police department in a town through crooked politics, the theme is not demoralizing since the racketeers are not glorified—they are, instead, shown as deceitful and untrustworthy. It has a fair share of suspense and excitement brought about by the constant danger to the hero, a private investigator, hired to clean up the crime elements in the town. There is some romantic interest, but it is unimportant:—

Hired secretly by Police Chief Arthur Loft to investigate and expose racketeers who were crippling his efforts at law enforcement, Kane Richmond, accompanied by Wade Crosby, his pal, comes into town posing as a tramp. Both men become involved in a barroom brawl and are arrested by Roy Barcroft, a crooked detective, who takes away their money and runs them out of town. Richmond returns to town, visits Wilton Graff, head of the racketeers, and tricks him into employing him as an aide. Adele Mara, Graff's wife, becomes infatuated with Richmond, and he uses her affection to further his game with Graff. When Graff notices that there was a resemblance between Richmond and himself, he arranges for Richmond to impersonate him one evening as part of a scheme to doublecross Dick Curtis, a rival racketeer. Using this exploit as a wedge, Richmond shrewdly sets about to create open strife between Graff and Curtis, at the same time causing suspicion between Graff and Barcroft, his key man in the police department. Meanwhile Anne Nagel, daughter of the town's newspaper publisher, whom Graff dominated by force, joins Richmond in his plan to expose the racketeers. Richmond's clever trickery causes the racketeers to scheme against one another and, after a series of incidents, in which his pal is murdered

and in which Richmond himself almost loses his life, the crooks, including Adele, become victims of their own schemes as they wipe each other out in a gun battle. The rackets destroyed, Anne and Richmond decide to marry.

David Lang wrote the screen play from a story by Leslie Turner White, Donald H. Brown produced it, and Les Selander directed it.

Adult entertainment.

"Down Missouri Way" with Martha O'Driscoll, William Wright and John Carradine

(PRC, August 15; time, 73 min.)

From the musical point of view, "Down Missouri Way" is a very satisfying program feature. As a matter of fact, the music is by far better than that found in most program musicals produced by the larger companies. Unfortunately, however, neither the story nor its treatment match the quality of the music; not only is the farcical plot thin and familiar, but it moves along at a slow pace, a times tiring the spectator. Moreover, the comedy is forced. But since the story serves well enough as a means of introducing the melodious songs, which are the main attraction, audiences who are not too fussy about story values should find the picture to their liking:—

Martha O'Driscoll, professor at a college of agriculture, becomes dismayed when her trained mule fails to pass an examination before the faculty members. She decides that the mule needed a change of scene and orders Eddie Dean, its keeper, to take the animal to her Missouri farm. Meanwhile, at the farm, Mabel Todd, Dean's sweetheart, had given permission to a motion picture company to shoot location scenes on the property. Producer William Wright, who was having his trouble with Renee Godfrey, his temperamental star, because of her constant quarreling with John Carradine, the equally temperamental director, finds his headaches increased when Martha arrives and orders him off the property. Another of Wright's problems was to find a mule capable of acting and of taking orders. Martha, finding herself attracted to Wright, allows him to remain and even agrees to let the mule take part in the picture providing the animal receives no publicity. Renee, jealous over the romance between Martha and Wright, does her best to sabotage the shooting schedule. Through an inadvertent error, the mule receives nation-wide publicity, and Renee uses the incident to convince Martha that Wright had tricked her and that his love for her was false. Meanwhile the faculty members, shocked by the publicity, come to the farm to remove the mule and to take disciplinary action against Martha. Wright, aided by a scantily-clad Renee, manages to obtain an incriminating snapshot of the faculty and uses it to compel them to let the mule finish the picture. The animal's performance is so good that the faculty members commend Martha on the success of her training. It all ends with a reconciliation between Martha and Wright.

Sam Neuman wrote the original screen play, and Josef Berne produced and directed it. The cast includes Roscoe Ates, Chester Clute, The Tailor Maids and others.

Unobjectionable morally.

"The Department of Justice has the power and the facilities to make a final test of all these disputed charges. It has an able and courageous Attorney-General, with efficient and experienced assistants. Instead of bringing separate suits involving specific practices in widely separated localities, it may, in one proceeding, obtain an adjudication of all the challenged practices. In that suit it may join the Hays Organization and the major producers and their affiliates, just as it has joined and successfully challenged other aggregations of wealth and power which have dominated other industries.

"A proceeding of that nature would be the acid test of the anti-trust laws. The undertaking may be difficult. It may consume months of trial. But at the end, whatever the result, producers, distributors and exhibitors alike would know what might be done and what should be avoided. Business could proceed along a normal course, without agitation or suspicion. Order would reign in a chaotic industry."

It is to be regretted that the distributors did not heed Mr. Ryan's warning in those articles; much of the present confusion could have been averted.

In presenting Mr. Ryan's analysis of the Statutory Court's decision, HARRISON'S REPORTS again feels that it is rendering the industry a great service.

COOL REASONING

In a statement that accompanied his 23-page analysis of the New York anti-trust decision, Abram F. Myers, general counsel of Allied States Association, has this to say:

"Having recovered from the first stunning effects of the District Court's decision, the trade, or certain segments of it, now appear to be entering upon the silly season. We read in the trade papers that certain groups are adopting resolutions of protest addressed to the Court, that others propose a nation-wide poll to find out if the exhibitors favor either auction-selling or divestiture, while still others advance the idea that the entire proceeding should be dropped so that the trade can revert to the status quo ante lawsuit.

"We can dismiss at once the naive notion that the Court, having made findings of widespread law violation and having with great deliberation provided what it conceives to be an appropriate remedy, can now be persuaded to change its views by resolutions or plebiscites. Representations to the Court can be made only by way of brief or oral argument and by special permission of the Court. At the time of the trial the Court held firmly to the position that the public interest was adequately represented by the Government and that it did not care to hear from persons who were not parties to the record.

"Whether or not the Court will grant leave to counsel for the several exhibitor groups to appear as 'friends of the court' remains to be seen. If it does, it is safe to predict that the Court will not be without 'friends.'

"Equally naive and futile is the notion that the proceeding can now be abandoned. Thus far little attention has been given in the discussions to the Court's extraordinary findings of law violation. These are set forth in the Analysis of Allied's General Counsel which is now released. How could the Attorney General, with due regard to the public interest, abandon without entry of an effective decree a case in which the Court has found that the defendants' entire method of doing business is illegal?

"Anyone with a trace of realism must know that the question boils down to a choice of remedies: It is either auction-selling, as prescribed by the District Court, or total divestiture as the Supreme Court doubtless will order once the case comes before it. For a Court of its own motion to prescribe a drastic and revolutionary method of doing business, which affects the innocent bystanders even more than the defendants, is unprecedented and should be reversed. The traditional and approved remedies for violations of the kind found by the Court are divestiture and dissolution, and these should be substituted for auction-selling as soon as possible.

"In the meantime, organizations and leaders whose experience and ideas are needed in working out an interim solution which will bear on the exhibitors as lightly as possible, should resist the temptation to capitalize on the situation by advancing programs calculated to appeal to the emotions and not to the brains of the exhibitors and settle down to some good hard thinking. The distributors are not wasting time on futile gestures but are busy working out solutions to their own advantage.

"Why not take the opinion and the published version of the Government's proposals and figure out ways and means for carrying out the substance of the Court's plan with the least possible burden to the exhibitors and then submit your ideas to the Department of Justice and to the distributors—the parties to the record—where they will do the most good? The Court's plan came as a surprise to everyone and there is no reason to believe that the distributors like it any more than the exhibitors, although the Big Five might prefer it to the alternative remedy of divorce-ment. But all interests, the Government, the distributors and the exhibitors want the plan to be as workable as possible for such time as it may be in effect, and should cooperate to that end.

"Allied's Executive Committee, while committed to divorce-ment and opposed to auction-selling, is working along these lines. They commend this course to all who have the exhibitors' interests at heart as the most practical and effective way of serving their members. Allied's efforts in this direction will continue both within the organization and in cooperation with others and will reach a climax in Boston on September 16, 17 and 18, at the first national convention since the war, at which time the assembled delegates from all sections will finally fashion a policy which, we are confident, will have the support of a vast majority of the organized independent exhibitors of the United States."

In his searching point-by-point analysis of the decision, Mr. Myers looks upon competitive bidding for films as the court's substitute for theatre divorce-ment, and he likens it to "treating a cancer with headache pills."

"The greatest evil in the industry today," continues Mr. Myers, "is the artificially-created film shortage. Putting films on the auction block will not induce the defendants to increase the number of their releases or to open their retained first-run theatres to the products of new producers and new distributors who might wish to enter into competition with them.

"The Court's major fallacy is in assuming a product shortage to be the normal state of the business—that exhibitors must always compete with one another for the available pictures. The normal state of any healthy industry is that the supply is sufficient to the demand. The Sherman Act fosters competition among producers and sellers as well as among buyers. . . . But so long as the defendants together control a vast majority of the metropolitan first-run theatres, they will be able by extended playing time and other devices to bleed their pictures white and at the same time perpetuate the existing shortage; and new producers and distributors, with no assurance of fair access to the all-important first-run revenue, will have no incentive to enter the field."

Among the highlights of the analysis are Mr. Myers' contentions that: (1) partial divorce-ment, as ordered by the court, opens the way for the defendants to increase their theatre holdings and control by buying out their partners; (2) the court's finding and adjudications with reference to trade practices afford an excellent basis for a plea to the Supreme Court for total divestiture; (3) there is not a legal exhibition contract in force today, because they involve block-booking, price-fixing, concertedly established clearances and runs and, in some cases, unreasonable clearance; and that (4) the defendants now face treble damage suits from exhibitors who have suffered from their illegal practices. Mr. Myers adds that "this is all the more serious because the Bigelow [Jackson Park] decision has opened new ways for proving damages which formerly were not available."

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No. 32

A Legal Analysis of the Statutory Court's Decision—No. 1

By George S. Ryan

On June 11, 1946, a decision of tremendous significance to everyone engaged in the motion picture industry was filed by the three-judge Expediting Court sitting in the United States District Court for the Southern District of New York in a civil action entitled *United States v. Paramount Pictures, Inc., et al.* The suit was brought by the Government against the principal producing, distributing and exhibiting corporations. The importance of the decision lies not only in the relief granted at the request of the Government, but also in the explicit condemnation of many restraints of trade and monopolistic practices, by which, over a period of years, independent exhibitors, distributors and producers have been oppressed and exploited.

In this paper an effort will be made to indicate the most important phases of the opinion, as they affect the business practices of independent exhibitors and distributors.

At times a critical discussion of the issues involved may be unavoidable. At the outset, however, it should be suggested that if any practice is illegal, according to the decision of the Statutory Court, and if an independent has been injured in his business or property by the application of that practice, he has rights under the anti-trust laws to relief by injunction.

In some detail also, there will be a discussion of every act or agreement in restraint of trade, and of every monopolistic practice to the detriment of independent exhibitors, condemned by the decision of the Statutory Court. These acts and practices will be considered not only in the light of the opinion of the New York Court and of the decisions mentioned in the earlier articles by the writer in this magazine, but also in view of the subsequent decisions of the Supreme Court in the *Interstate Circuit Case*,¹ the *Crescent Case*,² and the *Jackson Park Case*,³ and of the Circuit Court of Appeals for the Third Circuit in the *Goldman Case*,⁴ and of the United States District Court for the Western District of New York in the *Schine Case*.⁵

To give to the readers of HARRISON'S REPORTS all the information they may need in order to interpret the decision properly, some comment will be made upon the law of conspiracy and monopoly, as applied to the motion picture industry, upon the relief granted at the request of the Government and upon the effect of the decision in the future practices of independents.

It is a matter of common knowledge in the industry that the suit was originally brought by the United States in July, 1938, by a complaint in equity against the five leading companies in the industry—(Paramount, Loew's, Twentieth Century-Fox, Warner and RKO)—and the three so-called minor distributors—(United Artists, Universal and Columbia)—and their subsidiary and affiliated corporations. The issues were strenuously contested. Many interlocutory steps were taken by the parties for the discovery of facts desired as evidence, in the nature of bills of particulars, interrogatories and depositions.

In 1941 the suit came on for trial before District Judge Goddard. After opening statements by representatives of the Government, negotiations were instituted for settlement,

which, in October, 1941, resulted in the entry of a Consent Decree.

The obvious purpose of the decree was to eliminate practices that for many years had been the subject of controversy and complaint. It was binding upon the Government and the five major companies (the Big Five, so-called) their officers and agents, and their subsidiary and affiliated corporations, but not upon the non-consenting defendants, United Artists, Universal and Columbia (the Little Three.)

According to its terms it was to be effective for a trial period of three years. But the right was expressly reserved for "any party to this decree to apply to the Court at any time more than three years after the entry of the decree for any modification thereof."

Having become satisfied that the Consent Decree did not give the relief expected, the Government filed a new petition.

Shortly thereafter the Attorney General made an affidavit under the Expediting Act, and, as a necessary consequence, a three-judge Statutory Court, consisting of Circuit Judge Augustus N. Hand, and District Judges Goddard and Bright, was constituted to try the case.

The Court declared that the evidence established infractions of the Sherman Act in connection with the following agreements and practices:

- (1) Admission price fixing.
- (2) Run and clearance.
- (3) Formula deals, master contracts and franchises.
- (4) Discriminatory license provisions.
- (5) Block-booking.
- (6) Blind selling.
- (7) "Pooling" of theatres.
- (8) Operating, buying and booking agencies.
- (9) Discrimination against independent exhibitors.

At the conclusion of the opinion is an order for a decree, which provides for an injunction and other relief against the condemned practices, relating solely to distribution and exhibition, and for the dismissal of the suit against the defendants for their acts as producers.

An important provision inaugurates a system for the bidding on pictures, for both run and clearance, by competing theatres, the license to be granted to the highest responsible bidder having an adequate theatre.

But the Court, rejecting the chief contention of the Government, refused its prayer for the divestiture of theatres by the defendants, except where two defendants had a joint interest in a "pooled" theatre, and where their interests were pooled with houses of other exhibitors. In such cases, where a defendant owned an interest of more than five per cent and less than ninety-five per cent, it was ordered either to divest itself of its interest or to acquire the outstanding interest in the theatre. The decision also prohibited further acquisition of theatres, unless for the purpose of securing complete control of jointly-held theatres, or with the permission of the Court. It made provision for arbitration of disputes as to bids, clearances, runs and other subjects appropriate for arbitration.

(Continued on last page)

"Caesar and Cleopatra" with Vivien Leigh and Claude Rains

(United Artists, Aug. 16; time, 126 min.)

From a production point of view, this screen version of George Bernard Shaw's famous play is one of the most lavish spectacles ever filmed. Photographed in Technicolor, the costumes of ancient Egypt are magnificent and the settings breathtaking. As entertainment, the picture is best suited for class audiences, who will have a better appreciation of the subtle Shavian dialogue, which will undoubtedly go "over the head" of the average picture-goer. But, in spite of the fact that the story seems more suited to the classes, the popularity of the leading players, coupled with their good acting and with the fact that the production is spectacular in the extreme, should put it over also among the masses, particularly in large cities. Its success in small towns will depend largely on the type of patrons you serve; the more discriminating they are the better the picture's chances.

Briefly, the story, which takes place in Alexandria, deals with Caesar's coming to Egypt in pursuit of his defeated rival, Pompey, and with his discovering that Cleopatra was a youthful, fretful queen, kept off the Egyptian throne by a court faction supporting her younger brother, Ptolemy. Caesar takes Cleopatra in hand to teach her how to become a ruling queen and, through power politics, deposes her brother and places her on the throne. Under Caesar's guidance, Cleopatra discards her fretful ways and learns to rule with an iron hand. Meanwhile Caesar, in an effort to strengthen his hold on Alexandria, attempts to seize the city's strategic points. His strategy is foiled by the Egyptian forces, and he, his remaining soldiers, and Cleopatra, find themselves besieged in the palace, waiting for a relief force to come to their aid. The siege is marked by Cleopatra's scheming to use Caesar to further her own interests, only to have him learn of her treachery from Pothinus, leader of the Egyptians, who was Caesar's prisoner. Cleopatra, angered, has Pothinus assassinated, provoking the enraged Egyptians to attack the palace, but Caesar's reinforcements arrive in time to defeat them. Victorious, Caesar departs for Rome, leaving Cleopatra on the throne, but under the rule of a Roman governor.

Vivien Leigh, as Cleopatra, gives an outstanding performance, her moods ranging from the innocent and petulant to the cunning and sadistic. But Claude Rains, as the affable, 55-year-old Caesar, with an agreeable sense of humor, walks off with the acting honors. The other players in the cast lend excellent support, but none are known to American audiences. The story is lacking in human interest values, offers little in the way of romance, and is short on comedy, but it holds one's interest throughout and at times is quite amusing.

Mr. Shaw wrote the screen play, and Gabriel Pascal produced and directed it.

Unobjectionable morally.

"G.I. War Brides" with Anna Lee and James Ellison

(Republic, Aug. 12; time, 69 min.)

In spite of the fact that the story is thin, this program comedy-drama offers a pleasant hour's entertainment, for it revolves around likeable characters. It is a human interest story about an English girl who masquerades as a British war bride in order to obtain passage to the United States to join her American sweetheart. It has a number of touching situations, particularly the one in which she learns from her sweetheart that he no longer loved her, a fact he had made known in letters she had not received. But her new-found romance with the man who befriends her and poses as her husband is charming and pleases one. Most of the comedy is strained, but there are a few good laughs provoked by the presence of a lone bridegroom among several hundred war brides sailing to the United States; he had married an American WAC:—

Seeking to join William Henry, her American sweetheart, Anna Lee secures passage on a ship bringing British

war brides to the United States by trading places with Carol Savage, who sought to avoid the trip because she was no longer in love with her husband, James Ellison. Anna's trip from England to Los Angeles is marked by a number of narrow escapes in which her identity is almost discovered, as well as by incidents that arouse the suspicion of Robert Armstrong, a newspaper reporter assigned to the ship. Upon reaching her destination, Anna is met by Ellison, who, despite his surprise to find that another woman was impersonating his wife, cooperates with her lest her masquerade be detected by army officials. Ellison, after hearing her explanation, takes Anna home and introduces her as his wife, at the same time arranging for her to meet with Henry. Disillusioned to learn that Henry's love for her had cooled, Anna decides to give herself up to the immigration authorities, who had been put on her trail by Armstrong. Faced with deportation unless she married an American citizen, Anna prepares to return to England. But Ellison, learning of her predicament from Armstrong, saves the situation by gaining Anna's consent to marry him after informing her that his wife in England was obtaining a divorce.

John K. Butler wrote the original screen play, Armand Schaefer produced it, and George Blair directed it. The cast includes Harry Davenport, Stephanie Bachelor, Doris Lloyd, Joe Sawyer and others. Unobjectionable morally.

"The Black Angel" with Dan Duryea, Peter Lorre and June Vincent

(Universal, Aug. 2; time, 80 min.)

A better-than-average program murder-mystery melodrama, good enough to top a double bill. Being somewhat sordid, the story is rather unpleasant, but it holds one's interest well and should please the followers of mystery pictures, for suspense is sustained throughout. The discovery that the hero is the murderer comes as a surprise since he himself was unaware that he had committed the crime while in a drunken state. What makes the ending all the more unexpected is the fact that, throughout the action, the hero endangers his life to search for the murderer. Some of the situations are quite exciting, particularly those that involve Peter Lorre, a sinister night-club operator, who appears to be the logical suspect only to be proved innocent:—

Deserted by Constance Dowling, his worldly wife, Dan Duryea, a one-time vaudeville headliner, attempts a reconciliation with her. She bars him from her apartment, causing him to go on one of his periodic drinking sprees. Later that evening, Constance, who had many men enmeshed in her blackmailing schemes, is found murdered by John Phillips, who had gone to her apartment to retrieve incriminating love letters that Constance had threatened to show his wife, June Vincent. Phillips is arrested for the murder, tried and sentenced to death. June, believing in his innocence, determines to save him. A few meager clues lead her to Duryea, and she induces him to join her in the search for the murderer. Duryea recognizes Peter Lorre as a mysterious man who had visited Constance on the night of the murder, and he and June, using assumed names, obtain an engagement to sing in his night-club. Their efforts to pin the murder on Lorre end in failure when they discover that he, too, was one of Constance's blackmail victims and that he was innocent of the crime. Duryea, by this time in love with June, tells her that the evidence indicated that her husband was guilty and he asks her to marry him to start life anew. June turns down his proposal. Dejected over her refusal, Duryea takes to drink and, while in a drunken stupor, recollects the events that took place on the night of the murder and comes to the realization that he himself had committed the crime under the influence of liquor. He notifies the police of his guilt in time to save Phillips.

Roy Chanslor wrote the screen play based on a novel by Cornell Woolrich. Tom McKnight and Roy William Neill produced it, and Mr. Neill directed it. The cast includes Broderick Crawford, Wallace Ford, Freddie Steele and others.

Adult entertainment.

A MISLEADING POLL QUESTION

Fred Wehrenberg, new President of the Motion Picture Theatre Owners of America, has set out to ascertain the sentiment of the independent exhibitors on four questions: (1) Competitive bidding; (2) arbitration; (3) non-industry arbitrators; and (4) theatre divorcement.

The first question on the form prepared by Fred is so poorly worded, however, that the answers will reveal almost nothing for it is ambiguous. The question reads as follows:

"Do you approve of the method of competitive bidding proposed by the Court whereby pictures are to be sold theatre by theatre, picture by picture, to the highest responsible bidder having a theatre of the size and equipment adequate to show the pictures upon the terms offered by the distributor?"

The question does not make clear whether it means sealed bids or open competitive bidding. There is a great difference between the two. For instance, I doubt whether any independent exhibitor will say "yes" if Fred means that the salesman will have the right to go to one exhibitor and, after obtaining his highest bid, go to the exhibitor's competitor and say to him: "Mr. Jones! Your competitor offered me such-and-such a price and so-and-so terms. How much do you offer?" Such a method of obtaining the highest bid would come under the heading of "cut-throat bidding" and, in the opinion of this paper, neither the Court nor the Department of Justice will stand for it.

If Fred meant sealed bids, the answers would be representative of the feeling of the exhibitors in regards to this question.

For the purpose of establishing a system whereby the distributors might not be accused of tampering with the bids, and whereby each exhibitor would be offered an opportunity to bid for pictures free from the pressure of "cut-throat bidding," this paper proposed, in the June 29 issue,—it was the first one to propose, in spite of the fact that certain distributors are attempting to adopt the idea without giving credit to the source—the establishment of "clearing house" boards, one in each zone, separate and distinct from its proposed "clearance boards," the function of which will be to establish fair clearances, in accordance with the Court's edict. The function of the "clearing house" or "bid-receiving" boards will be to inform each exhibitor of a distributor's offering of a picture, giving each bidder identical information, and to accept the bids. Each board would then make a record of the bids before submitting them to the distributor. Through such boards, fair competition can be assured.

As the question now has been put to the exhibitors, the answers will reveal nothing.

ABE MONTAGUE'S INSIDIOUS STATEMENT

In a recent interview with the trade press, Abe Montague, Columbia's general sales manager, outlined the change in his company's selling policy so as to conform to the decision handed down by the Statutory Court.

Let me quote from a report of that interview, which appeared in the July 23 issue of *Film Daily*:

"Montague said the new form of selling was bound to increase distribution costs. Sales forces, he asserted, probably would have to be augmented. To send a salesman hundreds of miles to negotiate a deal with an exhibitor who might want to buy only two pictures of a group would not be profitable and yet that will be the situation in some cases. Montague said he didn't know how the added costs would be met, but he indicated that they may have to be shared in part by the exhibitor or passed on to him."

This statement is, in the opinion of HARRISON'S REPORTS, insidious propaganda, designed to frighten the exhibitors and thus disarm them when the Columbia salesman demands what might be possible, "hold up" film rentals.

What are the facts? In the opinion of HARRISON'S REPORTS, the sales forces of Columbia, not only will not be augmented, but they will in all probability be decreased,

for the reason that, if the sentiment of those of the Department of Justice officials who are prosecuting the suit means anything, an exhibitor will be permitted to submit bids for pictures by mail, thus the necessity for sending salesmen to the exhibitor will not arise.

If Columbia should, despite the uselessness of additional salesmen, see fit to send their sales representatives to small towns to sell its films, it will do so because Montague and those whom he represents may want to take advantage of the other film companies in an effort to sell the exhibitors before these other companies have a chance to do their selling in a fair and square way.

That such is the intention of Columbia may be evidenced by the information Pete Wood, business manager of the Independent Theatre Owners of Ohio, printed in the organization's July 23 bulletin. Mr. Wood said that the Columbia salesmen were already out in the Cleveland territory and the entire state of Ohio offering to the exhibitors 27 "Special Feature Attractions," with no stars, no casts, no directors, not even an identification of the story. They are offering just a number of titles, such as "Horse Picture No. 2," "Crime Doctor No. 2," "The Whistler No. 2," and the like.

Montague is resorting to another piece of planned psychology: He is trying to make the exhibitors believe that there will be a great shortage of pictures, his intention being to induce them to rush to buy the Columbia product before their competitors buy it so as to insure themselves a constant flow of pictures. It is manifest that Columbia, having lost the opportunity of continuing to sell choice pictures to the exhibitors and then not deliver them so that they might be used as bait to induce the same exhibitor to buy the following season's program, has decided to employ this new method—the method of fright. With Columbia, such a method is understandable, for, other than one or two decent pictures a year, its product has been so consistently poor that it doesn't dare to take the chance of offering its pictures in a straightforward manner.

HARRISON'S REPORTS can make no criticism when a distributor says: "I want for my pictures so much and no less." It is the distributor's product, and he has the right, within reason, to set the price for his goods. But when such a distributor resorts to all kinds of artifices to frighten an exhibitor into buying pictures at a price that he will regret when he counts the box-office receipts, then it is time for one to stand up and shout a warning.

Let me again say that, in the opinion of HARRISON'S REPORTS, Columbia has the right to set its own prices on its own pictures, no matter whether such prices are out of reason or not, for it believes that, if the prices are out of reason, the exhibitor will not buy them. What this paper wishes to convey to the exhibitor is a warning, lest they "fall" for Columbia's studied psychological devices.

There may be a few exhibitors who do not understand what these psychological devices are. To these exhibitors I wish to say that a salesman, by studying certain traits of his buyer, so maneuvers his talk and actions that the buyer is led to believe that the product offered him is the best, even though the salesman himself believes to the contrary, and that it will be grabbed by his competitor. The idea being that the exhibitor will lose the opportunity of earning high profits, unless he "beats" his competitor in buying the pictures. The salesmen in the picture industry have received lessons in human psychology as much as the salesmen in other industries. Psychology is an art, and I am sure that the Columbia salesmen have studied it and will try to practice it on you.

Be smart—beware of this art!

(Continued from back page)

combination in which the distributors participated, by the "Optional License Agreement," and, during the days of the N.R.A., by a provision in the contract approved by the so-called "Code of Fair Competition in the Motion Picture Industry."

¹⁰In the Jackson Park Case the verdict of the jury, under the instructions of the District Court, was based upon the existence of a conspiracy to establish and maintain admission prices and a system of runs and clearances. In the Circuit Court of Appeals and in the Supreme Court the defendants conceded the sufficiency of the evidence to warrant the finding. *Bigelow v. RKO Radio Pictures, Inc.*, (C.C.A. 7) 150 F. 2d 877; 326 U.S.

(1) Admission Price Fixing

Over a period of years, in a substantially unbroken line of authority, beginning with the very first case decided under the anti-trust laws and the first civil action to reach the Supreme Court,¹ that tribunal and the lower Federal courts have invariably condemned as illegal every price-fixing combination. In the motion picture industry such a combination was declared illegal in the well-known *Interstate Circuit Case*.² At the time of the trial, no principle of the anti-trust laws was more firmly established.³ The issue, therefore, was not whether a price-fixing arrangement was illegal, but whether the acts and practices shown by the evidence and exhibits proved such a combination.

In a very penetrating analysis of distributing practices the Statutory Court found the existence of two types of conspiracy to fix and maintain minimum admission prices, condemning them as illegal. The first was a conspiracy of distributors among themselves and with various affiliated and independent exhibitors; the second a separate conspiracy of each distributor with the exhibitors located in an area or community. They also ruled that the admission price structure was an attempt to give prior-run theatres a monopoly of the potential patronage. But they did not pass upon the legality of separate license agreements establishing admission prices between a distributor and an exhibitor, in which other distributors and exhibitors were not concerned.

(a) CONSPIRACY OF DISTRIBUTORS

In analyzing the evidence the Court pointed out that, in their licenses, the defendant distributors had fixed the minimum admission prices to be charged in all theatres where their pictures were exhibited; and that, as they distributed about 77.6% of all features distributed nationally, except westerns and low-cost productions, or approximately 65.5% of all features of all kinds, they controlled the prices to be charged for all pictures exhibited by their theatres or independent exhibitors in the United States. The Court summarily dismissed the contention, among others, that the prices stipulated were those currently charged by the exhibitors, and stated that the "severe penalties" in the license agreements for violation of the minimum price stipulations indicated that the defendants had "more than merely a passing interest" in the maintenance of admission prices.⁴

The minimum admission prices stipulated in various license agreements, declared the Court, not only between the defendants and affiliated theatres, but also between them and independent houses, "are in substantial conformity." In effect, the distributors conceded that the admission prices "are in general uniform," asserting that they were "the usual admission prices currently charged by the exhibitors," and that they were not dictated by the distributors. In reply to this contention the Court said:

"It does not seem important whether the distributor was the more controlling factor in determining the minimum admission prices. Whether it was such a factor or merely acceded to the customary prices of the exhibitors, in either event there was a general arrangement of fixing prices in which both distributors and exhibitors were involved. But it is plain that the distributor did more than accede to existing price schedules. The licenses required them to be maintained under severe penalties for infraction, and the evidence shows that the distributors in the case of exceptional features, where not satisfied with current prices, would refuse to grant licenses unless the prices were raised. Moreover, the distributors, when licensing on a percentage basis, were interested in the prices charged and even when licensing for a flat rental were interested in admission prices to be charged for subsequent runs which they might license on a percentage basis. Likewise all of the five major defendants had a definite interest in keeping up prices in any territory in which they owned theatres, and this interest they were safeguarding by fixing minimum prices in their licenses when distributing their films to independent exhibitors in those areas. Even if the licenses were at a flat rate, a failure to require their licensees to maintain fixed prices would leave them free by lowering the current charge to decrease through competition the income in the licensors' own theatres in the neighborhood. The whole system pre-

supposed a fixing of prices by all the parties concerned in all competitive areas."

By a table that was collated from the exhibits, the Court showed specifically the similarity or identity of admission prices; and they quoted at some length from the testimony of three witnesses—two from distributors and one from a Paramount affiliated exhibiting corporation. Joint operating agreements between defendants and also between them and independent theatre owners prescribed admission prices or methods by which they were to be determined. Franchises and master agreements "stipulate minimum admission prices often for dozens of theatres. . . ." Licenses for separate theatres of the defendants "disclose the same inter-relationship."

"Such uniformity of action spells a deliberately unlawful system, the existence of which is not dispelled by the testimony of interested witnesses that one distributor does not know what another distributor is doing; and there can, in our opinion, be no reasonable inference that the defendants are not all planning to fix minimum prices to which their licensees must adhere. . . ."

From this language and from similar statements in other parts of the opinion, it will be observed that, notwithstanding the testimony of defendants' witnesses, the Court inferred the existence of a "deliberately unlawful system" from "uniformity of action."

". . . We think that RKO, Loew's, Warner, Paramount and Fox, in granting and accepting licenses with minimum prices specified, have among themselves engaged in a national system to fix prices, and that Columbia, Universal and United Artists, in requiring the maintenance of minimum prices in their licenses granted to these exhibitor-defendants, have participated in that system."

"It is a reasonable inference from all the foregoing that the distributor-defendants have acquiesced in the establishment of a price-fixing system and have conspired with one another to maintain prices. Such a conspiracy is *per se* a violation of the Sherman Act. . . ."

Here, it will be noted, the Expediting Court found the existence of a "national system to fix prices," and that the distributor defendants had "conspired with one another to maintain prices." These findings are inevitable, even though the representatives of the distributors denied that they knew or cared about what other distributors were doing. The conspiracies were established by proof of concert of action among the distributors, and in at least one respect by joint action by a distributor and exhibitors; by the knowledge of distributors and others in the industry of existing trade practices; by the existence of a uniform system of doing business; and by simultaneous action to the same end.

The effect of rulings of this nature, not only in connection with admission prices, but also in relation to other practices, will be discussed later in a section of this article to be devoted to "Conspiracy." At this point, however, it may be reiterated that the findings as to conspiracy were not based upon any direct admissions by any distributor that any conspiracy existed.¹⁰

¹*Interstate Circuit, Inc. v. United States*, 306 U.S. 208.

²*United States v. Crescent Amusement Company*, 323 U.S. 173.

³*Bigelow v. RKO Radio Pictures, Inc.*, 326 U.S. 3.

⁴*Goldman Theatres, Inc. v. Locu's, Inc.*, (C.C.A. 3) 150 F. 2d 738.

⁵*United States v. Schine Chain Theatres, Inc.*, (D.C. W.D. N.Y.)

63 F. Supp. 229.

⁶*United States v. Jellico Mountain Coal and Coke Co.*, (C.C. N.D. Tenn.) 46 Fed. 432.

⁷*Montague v. Lowry*, 193 U.S. 38.

⁸*Interstate Circuit, Inc. v. United States*, 306 U.S. 208. The principle was also applied in the *Schine Case* and the so-called *Jackson Park Case*.

⁹The law on this subject is elaborated in an article by the writer appearing in HARRISON'S REPORTS on April 25 and May 2, 1936. The article concluded with the assertion that if there were a combination of distributors to prescribe minimum admission prices "the concerted action manifestly constitutes a conspiracy in restraint of trade."

¹⁰In the article just mentioned, which was a part of a series on "Anti-Trust Litigation in the Motion Picture Industry," the writer pointed out several combinations in which the distributors participated to establish minimum admission prices. "From the first days of the feature film," it was said, "there has been a uniform trend toward higher admission prices to the public, and, as a necessary corollary, toward higher film 'rentals' to exhibitors." It was also stated that minimum admission prices were established by the Standard Exhibition Contract, which has been adjudicated to be the result of a

(Continued on inside page)

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SATURDAY, AUGUST 17, 1946

No. 33

A Legal Analysis of the Statutory Court's Decision—No. 2

By George S. Ryan

(1) Admission Price Fixing (cont'd)

(b) SEPARATE CONSPIRACY OF DISTRIBUTOR AND EXHIBITORS

A second reason advanced by the Statutory Court for condemning the defendants as conspirators was that, in granting licenses containing minimum admission price stipulations, each distributor had combined with its licensees to maintain the specified minimum admission prices. Because of such licenses, each exhibitor had consented to the minimum price level at which he would compete against other licensees. The Court went on to say:

"... The total effect is that through the separate contracts between the distributor and its licensees a price structure is erected which regulates the licensees' ability to compete against one another in admission prices. Each licensee knows from the general uniformity of admission price practices that other licensees having theatres suitable for exhibition of a distributor's picture in the particular competitive area will also be restricted as to maintenance of minimum prices, and this acquiescence of the exhibitors in the distributor's control of price competition renders the whole a conspiracy between each distributor and its licensees. An effective system of price control in which the distributor and its licensees knowingly take part by entering into price-restricting contracts is thereby created. That the combination is made up of a sum of separate licensing contracts, individually executed, does not affect its illegality, for tacit participation in a general scheme to control prices is as violative of the Sherman Act as an explicit agreement. . . ."

Independent exhibitors especially should note that the Court has, not only condemned the practices of the distributors, but also indicated that exhibitors, affiliated or independent, who have consented to the minimum price level, at which they will compete against other licensees, have entered into an illegal price-fixing combination.

In a subsequent section, relating to the rights and remedies of independents under the decree to be entered, the writer will advance some suggestions in regard to price-fixing license agreements. It may now be said, however, that the opinion is a clear warning to independent exhibitors of the illegality of contracts that stipulate admission prices.

(c) ATTEMPT TO GIVE MONOPOLY OF PATRONAGE TO PRIOR-RUN THEATRES

For still another reason the Court condemned as illegal the system of fixing admission prices. It constituted an attempt to attract to the prior-run houses, operating at higher admission prices than subsequent runs, all the potential patronage of an area, and thereby "to give the prior-run exhibitors as near a monopoly of the patronage as possible." Consequently it was in violation of the anti-trust laws "at least when the distributor's own theatres are not exhibiting its pictures on a prior-run and it is to theatres other than its own that it attempts to give a monopoly."

In a subsequent paragraph, relating to the effect of the Copyright Act on price-fixing, the Court said:

"We do not question that the Copyright Act permits the owner of a copyrighted picture to exhibit it in its own theatres upon such terms as it sees fit. . . ."

Apparently it is the view of the Statutory Court that a distributor, as the owner of copyrights of films, may attempt to give its own theatres a monopoly of the potential patronage of a community when its own films are being shown. Assuming that the conclusion is an accurate generalization of the law, it may be suggested that the defendants can reap little benefit from it. Few producer-controlled theatres confine themselves to the exhibition of product of companies with which they are affiliated. The established price structure affects all distributors supplying product to those theatres.

It may also be suggested that producers or distributors owning the copyrights of pictures seldom, if ever, operate theatres directly.¹¹ Usually the theatres are operated by separate corporations which have no copyright of the films. For most purposes, and except where a gross injustice may be done, the courts recognize the separate identities of corporations, irrespective of how closely they may be affiliated¹²—a principle of law which the producers and distributors have not infrequently taken advantage.¹³ For a long time it has been established law that a corporation has no more right to combine with its own subsidiaries or officers to violate the anti-trust act than with other persons or corporations.¹⁴

If, however, because of the Copyright Law, a distinction may be made between the exhibition of a film in a theatre in which a distributor has a financial interest, directly or indirectly, and a theatre operated by a separate exhibitor; and if, also, the Court may disregard the separate corporate identities—then these conclusions give rise to an additional argument for the "divorcement," as it is called, of production and distribution from exhibition. With the view of the law announced by the Court, if producers or distributors are allowed to retain their control of theatres, then it is obvious that such control will be exerted in order to create and extend the monopolies in prior-run houses of the patronage and profit to be derived from the exhibition of the defendants' product. This result, the writer believes, is not consonant with the principles underlying the anti-trust laws.

(d) SEPARATE AGREEMENT BETWEEN A DISTRIBUTOR AND AN EXHIBITOR

The Court further stated that it was not necessary to—"... decide whether a copyright owner may lawfully fix admission prices to be charged by a single independent exhibitor for the exhibition of its film, if other licensors and exhibitors are not in competition. . . . As other licensors and exhibitors are always in competition, so far as we can see, the question would appear academic."¹⁵ As a practical matter, therefore, it would seem that any admission price stipulation must necessarily be illegal.

After a technical discussion of the *General Electric Case*¹⁶ and of the Miller-Tydings amendment to the first section of the Sherman Act, in which the Court pointed out that they were not applicable to the facts under consideration, they stated that "The foregoing holding that the defendants have all engaged in unlawful price-fixing" did not prevent them from determining film rentals by flat rentals, by percentage of the gross receipts, by a combination of these

(Continued on last page)

"The Show-Off" with Red Skelton and Marilyn Maxwell

(MGM, no release date set; time, 83 min.)

Although this is the third screen version of George Kelly's play it is still as comical as ever. At a sneak preview, where the picture was reviewed, the audience was kept laughing constantly and their howls frequently drowned out the dialogue. The story, which was produced by Paramount in 1926 and in 1930, revolves around an ingratiating braggart whose incompetence and interfering ways bring nothing but grief to his bride and her family, despite his good intentions. Red Skelton, as the bungling, egotistical hero, is very comical; his reckless expenditures, without regard for his limited salary, and his uninvited efforts in behalf of others, lead him into all sorts of scrapes and hilarious mix-ups. It is a fast moving farce, with hardly a dull moment, and it should do well at the box-office, for it is the sort of picture one recommends to his friends:—

Marilyn Maxwell falls in love with Red Skelton, a ne'er-do-well clerk, whose constant bragging and tall tales grate on the nerves of her parents, Marjorie Main and George Cleveland; her brother, Marshall Thompson; her sister, Jacqueline White; and Jacqueline's husband, Leon Ames. Aware that his grandiose stories were not true, but realizing that he was devoted to her, Marilyn marries Skelton against the advice of her family. Skelton's reckless expenditures soon put them in debt and they find themselves compelled to move in with Marilyn's parents. Skelton's troubles multiply when he wrecks the car of a friend in a traffic accident, in which he injures a policeman. At the trial, the judge becomes so angered at his braggardly that he fines him \$1000. Ames comes to his rescue by paying the fine. Although every effort to straighten out his own financial affairs only involve him deeper, Skelton takes it upon himself to handle a \$30,000 offer Marilyn's brother had received from a paint firm for the sale of an invention. He visits the firm's president, high-handedly rejects the \$30,000 offer, and demands instead \$100,000 and one-half of the profits. Incensed by his impudence, the president calls off the entire deal. Marilyn finally becomes disconsolate over Skelton's interference, but everything turns out for the best when the paint firm counters with an offer of \$75,000 and one-fourth of the profits. Her brother accepts the offer and insists that Skelton take part of the money for his share. Skelton swells with pride as the family forgives him for his past offenses, but Marilyn's mother echoes everyone's sentiments as she cries: "Heaven help us from now on!"

George Wells wrote the screen play, Albert Lewis produced it, and Harry Beaumont directed it. The cast includes Virginia O'Brien, Eddie "Rochester" Anderson and others. Unobjectionable morally.

"Criminal Court" with Tom Conway and Martha O'Driscoll

(RKO, no release date set; time, 62 min.)

A fairly good program melodrama. The story, which revolves around a clever criminal lawyer, who seeks election as district attorney despite opposition by underworld interests, is not particularly novel, but it has been presented in an interesting way and holds one's attention throughout. The suspense and excitement is brought about by the fact that the lawyer becomes involved in the accidental death of a gangster under circumstances in which his sweetheart is unjustly accused and tried for the crime. Since the audience is aware of the facts surrounding the accidental death, one's interest lies in the method the lawyer employs to clear both himself and his sweetheart. Tom Conway enacts the role of the lawyer convincingly, and is particularly good in the courtroom scenes:—

Conway, a brilliant young lawyer noted for his courtroom histrionics, seeks election as district attorney on the basis of his campaign to clean up a vice gang headed by Robert Armstrong, a night-club owner. Martha O'Driscoll, Conway's fiancée, obtains a singing engagement in Armstrong's club against the advice of Conway. To aid his election campaign,

Conway manages to obtain incriminating motion pictures of Armstrong's henchmen bribing several officials and, despite Armstrong's threats, arranges to exhibit them. During the showing, Conway visits Armstrong for a showdown. A quarrel between them is climaxed by the accidental shooting of Armstrong when his gun hits the side of a desk. Conway does not report the accident, unaware that it was witnessed by June Clayworth, his secretary, who was secretly in the employ of Armstrong. Later, the body is found by Martha under circumstances that lead the police to suspect her of the crime. Conway admits to the killing to save Martha, but his story is not believed. Armstrong's henchmen offer to produce a witness if Conway would drop out of the race for district attorney, but the young lawyer turns them down. During the course of the trial, Conway's secretary inadvertently drops a clue indicating that she was the missing witness and, in a spectacular courtroom scene, he puts her on the stand and obtains from her testimony that exonerates Martha. The gangster element wiped out, Conway looks forward to his election as district attorney.

Lawrence Kimble wrote the screen play from a story by Earl Fenton. Martin Mooney produced it, and Robert Wise directed it. The cast includes Addison Richards, Steve Brodie and others.

Unobjectionable morally.

"Earl Carroll Sketchbook" with Constance Moore and William Marshall

(Republic, no release date set; time, 90 min.)

This is an acceptable musical comedy, which, despite its conventional plot and formula treatment, should please generally. It has a fair share of lavish song and dance numbers, melodious music, and pleasant singing by Constance Moore. The comedy, too, is fairly good, with Vera Vague and Edward Everett Horton provoking many laughs with their bright dialogue each time they appear on the scene. The dance routines by Johnny Coy are particularly good. Not much can be said for the story, which is thin and lacking in human interest, but the action is breezy. Although the romance is developed in the customary manner, with misunderstandings and final reconciliation, it is done with considerable humor:—

William Marshall, a talented young songwriter, devotes his time to writing commercial jingles for radio, despite the efforts of Constance Moore, his secretary, to shame him into doing better things. Constance decides to take matters into her own hands and, with the aid of Vera Vague, her roommate, obtains an opportunity to sing one of Marshall's romantic ballads to Bill Goodwin, producer of a forthcoming Broadway musical. Goodwin is so captivated by her beauty and singing that he signs her as the star of his show without giving her a chance to explain that she was only plugging Marshall's song. Jealous over Marshall's attentions to Hillary Brooke, a glamorous advertising executive, Constance, injured slightly in a car accident, decides to feign amnesia in an effort to win him away. Constance's "failure" to remember him, and her attentiveness to Goodwin, have the desired effect on Marshall, and he soon begins to pursue her. Constance induces Goodwin to use Marshall's song in the finale of the show, but tells him that she wrote it herself lest he refuse to use it. Meanwhile Marshall, unaware that Constance had taken the song from his files, decides to use the melody in a singing commercial. Goodwin, hearing it on the air, accuses Marshall of plagiarism. Marshall, now aware that Constance's amnesia was a fake, counters Goodwin's accusation by threatening him with a law suit on opening night if he used the song in the finale. The situation is saved when Vera explains to Marshall that Constance wanted success for the song for his sake. He rushes to the theatre in time to tear up the summons and to effect a reconciliation after permitting Constance to introduce the song.

Frank Gill, Jr. and Parke Levy wrote the screen play from Mr. Gill's original story, Robert North produced it, and Albert S. Rogell directed it.

Unobjectionable morally.

"The Time of Their Lives" with Abbott and Costello

(Universal, Aug. 16; time, 82 min.)

A typical Abbott and Costello comedy, neither better nor worse than their previous pictures in recent years. As usual, it is entertainment strictly for their fans; others may find their brand of comedy tiresome. This time the comedy pair's routine slapstick gags are supplemented by trick photography in the "Toppet" and "Invisible Man" fashion, with Costello enacting the role of an earthbound ghost, invisible to those around him. It has some bright moments when the comedy runs high, provoking hearty laughs, but on the whole the gags are familiar and, at times too long drawn out.

The story opens in 1780, during the Revolutionary War, with Lou Costello, a tinker, arriving at the King's Point, N.Y. mansion of Jess Barker, a tory, to mend some pots. The butler (Bud Abbott) dislikes Costello intensely because of their mutual admiration for the same housemaid (Anne Gillis), who is thrilled when Costello shows her a letter from George Washington attesting to his patriotism. When Marjorie Reynolds, Barker's fiancée, learns of his involvement in Benedict Arnold's plan to betray the Continental cause, she enlists the aid of Costello to foil the plot. Both, however, are mistaken for traitors and shot dead by American troops, whose commander throws their bodies into a well on the estate, invoking a curse that their souls remain earthbound until such time as they can prove their innocence. One hundred and sixty-six years later, in 1946, the ghosts of Marjorie and Costello, still bound to the well, are disturbed by the restoration of the mansion by John Shelton, a young millionaire, who invites as house guests his fiancée, Lynn Baggett, her aunt, Binnie Barnes, and his physician, Bud Abbott, a direct descendant of the mansion's butler in 1780. Attracted by signs of life in the mansion, Marjorie and Costello decide to enter it to search for Washington's letter to prove their patriotism and thus lift the curse on their souls. They keep the household in a frenzy as they glide about invisibly, ransacking the mansion for the letter. Meanwhile Costello, remembering his troubles with Abbott's ancestor, makes his life miserable with numerous ghost stunts. Eventually, Marjorie and Costello, aided by Gale Sondergaard, a psychic servant, make their problem known to the house guests, who locate the missing letter in an ancient clock. With the letter brought to light, the curse is lifted and the ghosts are permitted to depart from the earth.

Val Burton, Walter DeLeon and Bradford Ropes wrote the original screen play, Mr. Burton produced it, and Charles Barton directed it. Unobjectionable morally.

"Shadow of a Woman" with Andrea King and Helmut Dantine

(Warner Bros., Sept. 14; time, 78 min.)

Despite a better than average production, this mystery melodrama does not rise above program level. It offers fairly exciting but not particularly pleasurable entertainment, for it revolves around the sadistic actions of a murderous "quack" doctor. Moreover, it lacks a convincing story. But it should give fair satisfaction to patrons who do not pay too much attention to story detail. Most of the suspense and excitement occurs in the second half, where the doctor's bride learns of his inhumanity and endangers her life to expose him. The unpleasantness is caused by the fact that the doctor tries to murder his own child, by a previous marriage, to collect an inheritance. There is no comedy to relieve the tension:—

After a whirlwind, five-day courtship, Andrea King marries Dr. Helmut Dantine, knowing little about him except that he was a practitioner who believed that proper diets would cure most human ailments. Their honeymoon is marked by several mysterious attempts on Dantine's life before he reveals to Andrea that many persons disagreed with his theories, and that he had just been divorced from Peggy Knudsen, who was seeking to gain custody of their five-year-old son (Don McGuire). Dantine takes Andrea to his San Francisco home, where he supported his sister (Lisa Golm) and crippled nephew (John Alvin). She finds the household most depressing and is soon initiated into the peculiar diet

served to all members of the family. She learns also that Dantine's son was to inherit a fortune when he becomes of age. When two of her husband's patients die under peculiar circumstances, Andrea becomes suspicious of his mysterious movements and launches an investigation of her own. She wins the confidence of Dantine's sister and nephew, and discovers that Dantine was trying to starve his little son to death as part of a scheme to gain control of his inheritance. Andrea visits Dantine's former wife and her lawyer (William Prince) and offers to help them take the boy away from Dantine to save his life. Dantine, by this time aware that Andrea had found him out, attempts to kill her. He is prevented from doing so by the timely arrival of his crippled nephew and, in the ensuing struggle between the two men, Dantine falls from a balcony to his death.

Whitman Chambers and C. Graham Baker wrote the screen play from a novel by Virginia Perdue. William Jacobs produced it, and Joseph Santley directed it.

Adult entertainment.

"The Big Sleep" with Humphrey Bogart and Lauren Bacall

(Warner Bros., Aug. 31; time 114 min.)

Those who enjoy tough, hard-hitting melodramas should be more than satisfied with this one, for it is a first-rate thriller of its kind. It is strictly adult fare, however, for the story is sordid and unpleasant, and its characters are not sympathetic. Moreover, there are several coarse suggestive situations and dialogue that has double meanings. From the opening to the closing scenes, its tale of blackmail, multiple murders, gambling and romance maintains a high degree of suspense and excitement as Humphrey Bogart, in the role of a wordly-wise private detective, takes on a case involving two irresponsible, wealthy sisters. His investigation brings him in contact with a group of unsavory characters and leads him into a series of adventures that result in situation after situation building up to a tense climax as he relentlessly follows up his clues without regard for unmerciful beatings and threats upon his life. Bogart's performance is excellent. It is not a pleasurable entertainment, but it will undoubtedly be an outstanding box-office attraction:—

Learning that Martha Vickers, his mentally unbalanced daughter, was being blackmailed by an unscrupulous dealer in sex literature, Charles Waldron, an elderly millionaire, hires Bogart to investigate the matter. Lauren Bacall, another daughter, tries to induce Bogart to drop the investigation, but he refuses. Bogart traces the bookdealer to his home, arriving there just as the man is murdered mysteriously. He finds Martha there in a doped condition and discovers evidence that the slain man had taken some photos of her but that the negatives were missing. The search for the missing photos brings Bogart in contact with Louis Jean Heydt, who had taken over the bookdealer's business, and who was making additional blackmail demands on Martha. Bogart outwits Heydt and gains possession of the photos just as the crook is shot dead by a henchman he had double-crossed. When Bogart succeeds in solving the bookdealer's murder and in capturing Heydt's killer, Lauren gives him a check and tells him to consider the case closed. But Bogart, who all through his investigation had been tangling with John Ridgely, a gambler, suspects that Ridgely had some mysterious control over Lauren and determines to continue the investigation. Ridgely, aware that Bogart was on his trail, sets out on a campaign to stop him. Bogart experiences a number of beatings before he discovers that Ridgely had murdered a friend of the family and had led Lauren to believe that her sister was his accomplice. He learns also that Lauren wanted him to drop the case to keep her sister out of further trouble. Bogart eventually falls into the clutches of Ridgely and his henchmen but escapes with Lauren's aid. In a final showdown, he tricks Ridgely into meeting him and forces the latter into a death trap meant for himself. It ends with Lauren and Bogart in a fond embrace.

William Faulkner, Leigh Brackett and Jules Furthman wrote the screen play from a novel by Raymond Chandler, and Howard Hawks produced and directed it. The cast includes Sonia Darrin, Elisha Cook, Jr. and others.

methods, "or by any other appropriate means." They concluded:

"... What is held to be violative of the Sherman Act is not the distributors' devices for measuring rentals, but their fixing of minimum admission prices which automatically regulates the ability of one licensee to compete against another for the patron's dollar and tends to increase such prices as well as profits from exhibition."

¹¹ Where one company is not both a producer and distributor, it is believed that the usual practice has been for a producer to secure copyrights of the films produced by it, and either to assign the copyrights or to grant rights of distribution to its affiliated distributor. Complicated corporate structures make it difficult for the copyright owner to be the direct owner of all theatres controlled by it.

¹² *Cannon Mfg. Co. v. Cudahy Packing Co.*, 267 U.S. 33.

¹³ *Taylor v. Standard Gas & Electric Co.*, 306 U.S. 307, 322.

¹⁴ *Mebo Realty Holding Co. v. Warner Bros. Pictures, Inc.* (D.C. N.J.) 45 F. Supp. 340; *Westor Theatres v. Warner Bros. Pictures, Inc.* (D.C. N.J.) 41 F. Supp. 757.

¹⁵ *United States v. MacAndrew & Forbes Co.*, (C.C. S.D. N.Y.) 149 Fed. 823, 832.

United States v. General Motors Corp., (D.C. Ind.) 26 F. Supp. 353. See *United States v. Schine Chain Theatres, Inc.*, 63 F. Supp. 229.

¹⁶ In the issue of HARRISON'S REPORTS of May 2, 1936, in discussing this question, the writer, after expressing his own views that such price-fixing stipulations were illegal, indicated that the question had never been definitely decided. He said: "Whether a distributor who merely licenses the exhibition of films may, by agreement with the exhibitor alone, prescribe the minimum admission price, is still open to some question."

¹⁷ *United States v. General Electric Co.*, 272 U.S. 476.

"Rendezvous with Annie" with Eddie Albert and Faye Marlowe (Republic, July 22; time, 89 min.)

In spite of the fact that it would benefit considerably from some judicious cutting, this comedy offers fairly good entertainment. The story, which revolves around the predicaments a soldier gets himself into when he goes AWOL and visits his wife secretly, is lightweight, but it has many novel twists and keeps one chuckling throughout. The manner in which the hero manages to leave his base in England, visit his wife in New Jersey for a few hours, and return to his base—all on a three-day pass—is somewhat implausible but quite humorous. Considerable comedy is provoked by the fact that the hero's wife gives birth to a son, and the hero, aware that his friends and neighbors believed that he had been overseas for more than two years, finds himself faced with the problem of establishing that he was the child's father. The action is lively all the way through:—

Learning that their friend, Corporal Eddie Albert, had been granted a three-day pass in London, ATC pilots Philip Reed and James Millican talk him into stowing away on their New York-bound plane, a trip that would permit Albert to spend a few hours with his wife before the return trip to England in time to report for duty. Except for a chance meeting with Raymond Walburn, his home-town banker, who was out on a date with a woman other than his wife, Albert manages to get to his home without being noticed by anyone. Meanwhile he and Walburn had agreed to forget their meeting. Less than a year later, Albert returns home from the army and finds his wife in the hospital with a new-born baby. No one in the town believes that the child is his son, and, to complicate matters still further, Albert learns that, under the terms of his grand-uncle's will, his son was to inherit a fortune. The attorney, however, because of the "odd" circumstances surrounding the child's birth, demands proof that Albert was the child's father. Albert risks being court-martialed by revealing his predicament to army officials, but they consider his story fantastic and refuse to help him. Eventually, Albert recalls his chance meeting with Walburn and, under threat of exposing his tryst, compels the banker to testify that he had returned home AWOL, thus convincing all concerned that he was the baby's father.

Mary Loos and Richard Sale wrote the screen play from their own story, and Allan Dawn produced and directed it. The cast includes Gail Patrick, C. Aubrey Smith, William Frawley and others.

Unobjectionable morally.

"The Last Crooked Mile" with Donald Barry and Ann Savage

(Republic, Aug. 9; time, 67 min.)

An average program mystery melodrama. The story is rather routine and its treatment follows a formula, but it manages to hold one's interest fairly undiminished up to the last scenes, by reason of the fact that the identity of the criminals is kept in the dark up to that time. But the unmasking of the guilty parties will not come as a surprise to most of the spectators. Donald Barry, as a smart-alecky private detective, at odds with the police, gives a standard characterization. There is nothing unusual about the picture on the whole, but it has enough suspense, action and comedy to satisfy indiscriminating picture-goers:—

His bank robbed of \$300,000, Tom Powers, the manager, turns the case over to Detective John Miljan. Meanwhile the crooks hide the money in the running-board of their getaway car and prepare to leave the state. The police try to stop the car and, in the ensuing confusion, it topples over a cliff and kills the thieves. As Miljan admits his inability to find the money, Donald Barry, a private detective, angles his way into the case and is offered a huge reward to recover the money. Barry goes to an oceanside carnival, where the getaway car was being exhibited as a sideshow attraction, and offers to buy the car from Nestor Paiva, the owner. Paiva informs him that Sheldon Leonard, a notorious criminal, had already made an offer for the car. Later, Barry makes the acquaintance of Ann Savage, a night-club singer, former sweetheart of one of the dead crooks, and makes a "play" for her. Barry finds reason to suspect her of implication in the robbery, but he believes her protestations when several mysterious attempts are made on her life. He takes her under his protection. In the course of events, Barry locates the missing money, but before he can turn it over to the bank manager he is slugged from behind and the money is taken from him. He regains consciousness on the following morning and learns that Leonard was murdered during the night. The police suspect him of the crime, but Ann prevents his arrest by stating that she had been with him all night. Suspicious of her motive, Barry tricks Ann into revealing that she, working with the bank manager, had stolen the recovered funds and had murdered Leonard, who, too, was after the money.

Jerry Sackheim wrote the screen play from a radio play by Robert L. Richards. Rudolph E. Abel produced it, and Philip Ford directed it. The cast includes Adele Mara and others.

Unobjectionable morally.

131 Anthony Street
Ascot, Brisbane N2
Australia
12th. June 1946

Dear Mr. Harrison:

I am writing this on one of my old letterheads, but as I have disposed of the theatre and have now practically ended my career as an exhibitor, I desire you to cancel my subscribing association with your Journal.

It must be nearer 25 than 20 years since I first paid you a subscription, and ever since that time I have been an assiduous reader and deep student of the fund of information and guidance for the welfare of exhibitors, that it has so consistently provided.

I look upon every penny that I have passed over to you during these many past years as being among my soundest investments and the reading of your weekly issues as being some of my best spent time.

The single-mindedness of purpose and the staunch spirit of fairness that you have always displayed in all your discussions of trade problems has often roused my admiration, and so, I feel that I cannot close the chapter of our acquaintance without these few words of commendation and an expression of thanks for all the usefulness that I was able to gather in to myself from your capable work.

With all possible good wishes,

Yours faithfully

(signed) OSBORN J. FENWICK

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No. 34

A Legal Analysis of the Statutory Court's Decision—No. 3

By George S. Ryan

(2) Run and Clearance

In considering the legality of clearance the Court defined it as "The period of time, usually stipulated in license contracts, which must elapse between runs of the same picture within a particular area or in specified theatres." They also spoke of "clearance" or "protection" as an agreement by the distributor "not to exhibit or grant a license to exhibit a certain motion picture before a specified number of days after the last date of the exhibition therein licensed." The period, they stated, was specified in various ways: "in terms of a given period between designated runs"; according to admission prices charged by competing theatres; periods of time over specified theatres or areas; and "in terms of clearances as fixed by other distributors."

The practices of run and clearance, declared the Court, were so closely allied that comment on one was applicable to the other. The run remains static, and is not necessarily determined by the size of the theatre. And then they pointed out, in a paragraph hereinafter quoted, that, because of the fixed scale of clearances, runs and admission prices, competition was practically non-existent.

The legality of clearance was considered by the Court in three aspects: First, the clearance in separate license agreements; secondly, clearance resulting from the coercive power of circuit buying; and, third, clearance established by agreement among distributors or through uniformity of action by them.

For convenience these topics will be discussed in inverse order.

(a) CLEARANCE ESTABLISHED BY CONSPIRACY

Ever since the decision in 1932 in the *Youngclaus Case*,¹⁷ which has been recognized in subsequent decisions of other courts, it has been settled law in the motion picture industry that protection resulting from agreement among distributors and exhibitors, or from joint action by them, is illegal. Even prior to that time, the practice of establishing protection by agreement between distributors and producer-controlled theatres had been successfully challenged by the Government.¹⁸

The chief issue before the Court, therefore, was whether the evidence showed such joint action as to constitute a combination or conspiracy in restraint of trade. They held that it did, saying:

"... It is here claimed by plaintiff, however, that the distributor-defendants have acted in concert in the formation of a uniform system of clearances for the theatres to which they license their films and that the exhibitor-defendants have assisted in creating and have acquiesced in this system. This we find to be the case and hold to be in violation of the Sherman Act."

The Statutory Court then proceeded to point out that its inference of concert of action was warranted by the testimony of various witnesses of the defendants; and by the exhibits, such as franchises, master contracts and formula deals, which had been introduced in evidence.¹⁹

The witnesses included many leaders in the distribution and exhibition branches of the industry. The substance of their testimony was that, once it is agreed upon, clearance remains the same unless the exhibitor or distributor wants to change it, and is carried along from year to year, becoming more or less "historical"; that an exhibitor generally got the same clearance from the various distributors; that negotiations for clearance do not take place each time product is bought; that clearances have been set throughout the country for a great many years, "until there has grown up a kind of a system of clearance"; that a distributor "usually knows what clearances other distributors are granting"; and that the clearance granted by one distributor is the same as that granted by other distributors.

The exhibits included franchises, master contracts and "formula deals," many of which provided that the clearance should be the same as that in effect at the date of the agreement. Some established clearance for more than one season. Others provided that it should be no less favorable to the exhibitor than that previously granted. In some others it extended to subsequently acquired theatres. The Court said:

"It is clear that the purpose of these two types of clearance agreements was to fix the run and clearance status of any theatre thereafter opened, not on the basis of its appointments, size, location, and other competitive factors normally entering into such a determination, but rather upon the sole basis of whether it were operated by the exhibitor-party to the agreement."

"Clearances are given to protect a particular run against a subsequent run. . . ."

Obviously clearance having such a purpose and effect is illegal, when resulting from agreement or concert of action by distributors and exhibitors.

(b) COERCIVE POWER OF CIRCUIT BUYING

The Statutory Court stated that, by the use of film-buying power, large circuits had been able to secure from the defendants unreasonable clearance or unjustified prior runs, and cited as authority the decisions in the *Crescent*,²⁰ the *Jackson Park*,²¹ the *Goldman*,²² and the *Schine Cases*.²³ These cases, particularly the *Crescent* and *Schine* decisions, demonstrated the use of such power in a very brutal and oppressive manner, with the acquiescence of the distributors. The Statutory Court, although stating that, by their control of theatre circuits, the defendants possessed "potential weapons of great strength," were unable to find from the evidence that the defendants "entered upon a general policy of discriminating against independents in their grants of clearance." But "they have acquiesced in and forwarded a uniform system of clearances, and in numerous instances have maintained unreasonable clearance to the prejudice of independents and perhaps even of affiliates."

Although recognizing the existence of a uniform system of clearance and the granting of unreasonable clearance, the Court did not undertake to give any relief. They said:

(Continued on last page)

"Secrets of a Sorority Girl" with Rick Vallin and Mary Ware

(PRC, Aug. 15; time, 58 min.)

This program melodrama has an exploitable title, but as entertainment it is just moderately interesting. The story, which unfolds in a series of flashbacks, is exceedingly thin and "choppy." As a matter of fact, its tale about the misadventures of a district attorney's daughter, who becomes friendly with a racketeer, reminds one of the stories heard on daytime radio serial programs, or published in the "True Confessions" type of magazine. At no time does the action strike a realistic note in its telling of the girl's escapades in gambling raids, and of her being tried in court on a framed murder charge. Not much can be said for either the direction or the acting; both are lacking in subtlety:—

In the belief that she was seriously ill and did not have long to live, Mary Ware, a college girl, becomes friendly with Rick Vallin, a former reporter, and urges him to take her to different gambling clubs for excitement. The club owners, aware that she was the daughter of Addison Richards, the district attorney conducting a drive against illegal gambling, secretly take her photos at the gambling tables. One night she visits Ray Walker's gambling club alone and is caught in a raid. She faints during the excitement but is spirited out of the building by Vallin, who had followed her there. Their car, containing Vallin, Walker, and Mary, speeds from the scene with a motorcycle policeman in pursuit. Unable to shake the policeman off, Vallin stops the car abruptly, causing the officer to lose his life when he crashes into the rear. Vallin, instructing Walker to leave the scene, shifts the unconscious Mary into the driver's seat and, after reviving her, informs her that she had caused the accident. Mary decides to confess to her father, but before she can do so the secret head of the gambling ring sends him the incriminating photos of his daughter with a demand that he resign from office lest they be made public. Richards, learning of Mary's presence in the death car, orders her arrested for the officer's death. At the trial, the testimony offered by Vallin proves damaging to Mary until Walker is called to the stand. The club owner, infuriated by Vallin's heartlessness in framing Mary on the murder charge, reveals the truth about the accident and exposes Vallin as the secret racket chief. Vallin is shot dead as he attempts to escape from the courtroom, and Mary wins an acquittal.

George Wallace Sayre wrote the original screen play, Max Alexander and Alfred Stern produced it, and Lew Landers directed it.

Adult entertainment.

"The Inner Circle" with Warren Douglas and Adele Mara

(Republic, August 7; time, 57 min.)

A passable program murder melodrama. The story lacks credibility and it is somewhat involved, but it should serve its purpose as a supporting feature. Like any number of similar melodramas produced in recent months, this one, too, has a private detective for a hero and, as is usual, he has his troubles with the police before solving the crime. The only difference is that, this time, the police are depicted as being fairly intelligent instead of stupid for the sake of comedy. The story is developed in a formula manner, with suspicion thrown on several characters to mystify the spectator, but since the murderer's identity is not disclosed until the end, and since there is something doing all the time, it should please those who enjoy this type of picture:—

Shortly after Adele Mara obtains a job as his secretary, private detective Warren Douglas is tricked by her into meeting a mysterious woman for some special work. Unaware that the woman, heavily veiled, was Adele herself, Douglas accompanies her to the home of a scandal-peddling radio commentator. There they find him murdered. Claiming to be the dead man's wife, Adele offers Douglas money to dispose of the body. When he refuses, she knocks him

unconscious, calls the police, and runs from the house. Detective William Frawley arrives on the scene and scoffs at Douglas' story until Adele, her disguise discarded, bursts into the room claiming that, through the window, she had seen everything occur just as Douglas described it. Released under suspicion, Douglas determines to get to the bottom of the crime. His investigation discloses that Virginia Christine, a cafe singer, and Ricardo Cortez, her gangster boyfriend, had some mysterious dealings with the dead man and, to add to his confusion, he discovers that Adele, under the guise of aiding him, was actually destroying possible evidence. He soon learns that Adele was trying to protect her younger sister, whom she mistakenly believed had murdered the commentator to stop him from revealing that a notorious dead gangster had been her boyfriend. Quickly running down several clues, Douglas, with the cooperation of Frawley, assembles the different suspects in the commentator's home and, in a dramatic radio broadcast, proves that Virginia was the dead man's partner in blackmailing schemes and that she had killed him when he refused to pay her off.

Dorrell and Stuart E. McGowan wrote the screen play, William J. O'Sullivan produced it, and Phil Ford directed it. Unobjectionable morally.

"The Invisible Informer" with Linda Sterling and William Henry

(Republic, Aug. 19; time, 57 min.)

Ordinary program fare. It is a murder melodrama, involving a search for a missing necklace, in which everyone in the cast struggles against an unconvincing story. There is nothing in it that has not been put on the screen many times, nor is there anything about the treatment that is unusual. It will, however, do as entertainment for those who are not too concerned about story values, for there are certain situations that are eerie and several others that are exciting. There is some romantic interest, but it is unbelievable. The title, incidentally, has no relation to the story. The comedy relief is negligible:—

Charles Lane, head of a private detective agency, assigns Linda Sterling and William Henry to investigate the loss of a heavily insured necklace, which was owned by a prominent but bankrupt Southern family, headed by Gerald Mohr, a suave but sinister fellow. A previous investigator had disappeared in the swamp lands adjoining the family mansion. Henry and Linda, who were in love but who disagreed over her ability as an investigator, decide to work separately—she from within the mansion, and he from a town nearby. Through a ruse, Linda succeeds in establishing herself in the mansion and finds the different members of the family to be a hate-ridden lot, left destitute by Mohr's unwise investments, and all waiting for payment of the insurance money. She learns that Tristram Coffin, Mohr's brother, had committed suicide in the swamp and that his body had disappeared. Meanwhile in town, Henry becomes friendly with Adele Mara, with whom both brothers had been in love, and accepts her offer to help him investigate the case. Mohr, learning that Adele was aiding Henry, strangles her to death. In the course of events, Linda learns that Mohr knew her identity and she discovers that the supposedly dead brother was alive and hiding in the swamps; his disappearance was part of a conspiracy with Mohr to collect the insurance money and still keep the necklace. Fascinated by Mohr's charming manner, Linda attempts to induce him to return the necklace. Mohr feigns infatuation for Linda and, after murdering his brother and stealing the necklace, lures her to a cabin with intent to kill her lest she betray him. Henry arrives on the scene in the nick of time and, in the ensuing struggle, Mohr is killed and the necklace recovered. Linda, admitting that sleuthing was not a woman's business, decides to retire as Henry's wife.

Sherman L. Lowe wrote the screen play from a story by Gerald D. Adams. William J. O'Sullivan produced it, and Philip Ford directed it.

Adult entertainment.

"Personality Kid" with Ted Donaldson, Michael Duane and Anita Louise

(Columbia, Aug. 8; time, 68 min.)

Just a moderately entertaining program comedy, with an appeal most for the juvenile trade; adults will probably find it quite tedious. Most of the action revolves around a youngster's love for pets and the scrapes he gets himself into by his habit of bringing home assorted animals against his mother's wishes. A few of the situations are pleasantly amusing, but for the most part the comedy is ineffective because it is repetitious. Worked into the plot are the romantic troubles of the youngster's older brother, a veteran, as well as his efforts to start a post-war career, but the story is so thin and its presentation so amateurish that it barely holds one's interest. Moreover, the action is quite slow:—

Eleven-year-old Ted Donaldson forgets about his love for pet animals when his older brother, Michael Duane, returns home from the army, enthused with the idea of becoming a photographer. Anita Louise, Duane's sweetheart, urges him to go back to his former job in a soap factory so that they could marry, but Duane refuses. They quarrel and break their engagement. Duane's efforts to sell his photographic work meets with no success, and the low point in his fortunes comes when Ted's new pet, a burro, enters his darkroom and wrecks the equipment. Enraged, Duane upbraids the youngster. Ted, dejected, decides to make up for the accident by submitting to a national photo contest a photograph that Duane had made of his burro. He sells the animal to secure money for postage, later learning that the man who bought him was a dealer in horse meat. Ted manages to retrieve the burro but, lest he be arrested as a horse thief, does not return home. He remains a fugitive for four days until found by the police. Everyone's joy at his homecoming is increased when news comes that Duane's photograph had won a \$5,000 prize, enabling the estranged couple to reconcile and plan an immediate wedding.

Lewis H. Herman and William B. Sackheim wrote the screen play from a story by Cromwell MacKechnie, Wallace MacDonald produced it, and George Sherman directed it.

"Below the Deadline" with Warren Douglas and Ramsay Ames

(Monogram, Aug. 3; time, 65 min.)

A routine program racketeer melodrama, suitable for the lower half of a double bill wherever pictures of this type are acceptable. The story offers little that is novel and is, in a way, demoralizing in that the hero, a veteran, is shown resorting to gangster activities and making his living from a gambling racket. The excuse given for the hero's activities is that he was determined to avenge himself against civilians who reaped huge profits while he was fighting overseas, but his ruthless actions and his lack of decent traits fails to arouse one's sympathy for him. There are a few exciting sequences brought about by the usual warfare between rival gangs:—

George Meeker, head of a gambling ring, is murdered by Phil Van Zandt's gunmen when he fails to stop "muscling in" on Zandt's rackets. Meeker's gambling enterprises are inherited by his younger brother, James Warren, a returned war veteran, who takes over the racket as a sort of revenge against civilians who prospered in the blacket markets while he was fighting. Zandt's attempts to interfere with Warren's operations are met with force. Meanwhile Warren falls in love with Ramsay Ames, an operator of one of his gambling games, but resists her attempts to reform him. To protect their lucrative rackets, Warren and Zandt declare a truce to back the election of a crooked politician for mayor. George Eldredge, the reform candidate, seeks Warren's support, but is refused a campaign donation. Bruce Edwards, Warren's war buddy, who disapproved of his gambling career, secures a loan from him and uses it to assure the election of the reform candidate, whose platform promised the elimination of the gambling element in town. Zandt, learning that Warren's money had put over the reform ticket, believes that he had been doublecrossed and sets out

to kill Warren. A gun battle between the two underworld factions ends with Zandt's death, and Warren, wounded, sees the error of his ways. He gives up the rackets to lead an honest life with Ramsay.

Harvest Glass and Forrest Judd wrote the screen play from a story by Ivan Toris, Lindsley Parsons produced it, and William Beaudine directed it. The cast includes Jan Wiley and others.

Adult entertainment.

"The Killers" with Edmund O'Brien, Burt Lancaster, Ava Gardner, and Albert Dekker

(Universal, Aug. 30; time, 103 min.)

Very Good! It is an intensely gripping melodrama, strictly for adults. The fact that it is an absorbing picture from start to finish is due, not only to the interesting story, but also to the realistic settings, the expert performances, and the intelligent direction. Although it cannot boast of much in the way of star value, it is the sort of picture that is bound to enjoy considerable word-of-mouth advertising, and it will undoubtedly prove to be an outstanding box-office attraction. Revolving around an insurance investigator's efforts to learn the facts about a murdered man's past in order to shed some light on his killing, the story is a grim but fascinating tale of murder, robbery and deceit, in which situation after situation is crammed full of excitement and suspense as the investigator pieces together the maze of clues he uncovers. The flashback method of presenting the story has been used to very good advantage.

The story opens with the arrival in a small town of two professional killers searching for Burt Lancaster, a gas station attendant, who, despite a warning from a friend to flee for his life, makes no effort to stop his own murder. Curious to learn why the man did not defend himself, Edmund O'Brien, a claim adjuster, with whose company Lancaster carried a small life insurance policy, becomes interested in the case. He interviews the beneficiary of the policy, an elderly hotel maid, who informs him that she had once stopped Lancaster from leaping out of a window. A clue leads O'Brien to Philadelphia, where he learns from detective Sam Levene, a boyhood friend of the deceased, that Lancaster had been a prizefighter, had become involved with gamblers, and had fallen in love with Ava Gardner, sweetheart of racketeer Albert Dekker, who was serving a jail term at the time. Levene had caught Ava with stolen jewelry, but Lancaster had saved her by assuming the guilt and serving a jail sentence. O'Brien next communicates with Vince Barnett, an elderly thief, who had been Lancaster's cellmate, and learns that Lancaster, upon his release from prison, had joined Dekker and two other crooks in a huge payroll robbery that had never been solved, and which O'Brien's company had made good. Ava had returned to Dekker but still flirted with Lancaster. Through newspaper stories of the holdup O'Brien gathers additional clues and delves into the activity of the robbers after the crime. He learns that Dekker planned to cheat Lancaster out of his share of the money, but that the latter, tipped off by Ava, had foiled the plan by making off with the entire loot himself. Shortly afterwards, Lancaster had been murdered. Aided by Levene, O'Brien traces Dekker to Pittsburgh, where he operated a respectable contracting business. He locates Ava in the same city and, through clever detective work, uncovers the fact that Dekker and Ava had been in league from the start in a plan to doublecross the other participants in the holdup, including Lancaster, from whom Ava had stolen the holdup money in Atlantic City. Dekker and his gunmen try to kill O'Brien to keep their secret intact, but timely interference on the part of Levene and the police save the investigator's life.

Anthony Veiller wrote the screen play from a story by Ernest Hemingway, Mark Hellinger produced it, and Robert Siodmak directed it. The cast includes Donald McBride, Phil Brown, John Miljan, Virginia Christine, Jack Lambert, Jeff Cory and many others.

"... The decision of such controversies as may arise over clearances should be left to local suits in the area concerned, or, even more appropriately, to litigation before an Arbitration Board composed of men versed in the complexities of this industry."

The violations of the anti-trust laws, specified by the Court, are of a very flagrant nature. Clearance is merely a method of granting protection against competition to a favored theatre. It can be and frequently has been, used to stifle a competitor to death.²⁴

The remedy should therefore be correspondingly direct and complete, by injunction or otherwise. Here the remedy prescribed by the Court is ineffective; it does nothing to prohibit the outlawed practices; it merely states, what every lawyer knows, that an independent or other person injured may have a remedy by local action at law,²⁵ with a possibility of arbitration. In another part of the opinion the Court again mentioned the arbitration of clearance, and also of other controversies. Subsequently the question of arbitration will be commented upon in this paper separately.

²⁴ *Youngclaus v. Omaha Film Board of Trade* (D.C. Neb.) 60 F. (2d) 538.

²⁵ In an article in HARRISON'S REPORTS of May 30, 1936, the present writer narrated criminal and equitable proceedings by the Government in 1930 and 1932 in Los Angeles and Chicago, resulting in the entry of Consent Decrees, which, among other things, enjoined the defendants from enforcing unreasonable and discriminatory clearances, and from adopting or attempting to enforce any uniform plan, system or schedule of zoning, clearance or protection, whereby theatres of the defendants should receive unreasonably long periods of protection or unreasonable zoning privileges over competing independent exhibitors.

²⁶ The Government need not have relied entirely upon such evidence. In a continuation of the article just mentioned, in the issue of HARRISON'S REPORTS of June 6, 1936, the writer quoted at length from resolutions of the Motion Picture Producers and Distributors of America, Inc. [then the "Hays Office"], correspondence of its counsel, and the findings of an auditor appointed by the District Court of Massachusetts, all showing clearly that the activities of the defendant distributors constituted a conspiracy in restraint of trade. The article then declared that the provisions in regard to Clearance and Zoning Boards in the so-called Code of Fair Competition of the Motion Picture Industry, adopted under the NRA, "obviously constituted a conspiracy." It also stated:

"In other parts of the code there were provisions for the compulsory use of the Optional Standard License Agreement and for the maintenance of minimum admission prices specified in these agreements, and a stringent prohibition against lowering the announced admission prices by rebates in any form. A violation by an exhibitor of these provisions would result in the shutting off of his film supply.

"These provisions not only placed the stamp of legality upon forbidden practices, but they also required the very men injured by them to participate in the violation of the law."

In the action of *A. B. Momand v. Griffith Amusement Company, et al.* (D.C. W.D. Okla. No. 6517, Law) in which the writer was counsel for the plaintiff, the Court found and concluded:

"The Association [the Hays Office] fostered adoption in the exchange centers of the practice of clearance or protection, and during the summer of 1930 the general counsel of the Association supervised and advised the conferences of the exchanges on the subject. Conferences were held in the exchanges and so reported at a meeting of the Association in September, 1930."

"The promotion and adoption by the Association and its members in May, 1930, of a plan for local uniform clearance and zoning was an unreasonable restraint of trade, whenever and wherever said plan was put into effect."

²⁷ *United States v. Crescent Amusement Co.*, 323 U.S. 173.

²⁸ *Bigelow v. RKO Radio Pictures, Inc.*, (C.C.A. 7) 150 F. 2d 877; 326 U.S.

²⁹ *Goldman v. Locut's, Inc.*, (C.C.A. 3) 150 F. 2d 738.

³⁰ *United States v. Schine Chain Theatres, Inc.* (W.D. N.Y.) 63 F. Supp. 229.

³¹ In an article on "Monopoly of Product" in HARRISON'S REPORTS, May 23, 1936, after showing how a competing exhibitor might be put out of business by being deprived of product, the writer stated that it had not been "necessary for a producer-controlled circuit to prevent independent exhibitors from showing major films," and added: "Because the value of a picture depends in a large measure upon its novelty, the same result may be accomplished by delaying the delivery of films until their value has substantially disappeared. It is merely the difference between sudden death and slow torture. To this ingenious practice has been given the name 'Protection'."

³² The identical remedy (excluding arbitration) was granted fifty-six years ago by the Congress of the United States, when, on July 2, 1890, they enacted "AN ACT to protect trade and commerce against unlawful restraints and monopolies"—popularly referred to as the "Sherman Anti-Trust Law."

A WAY TO COMBAT THE THREAT OF INVASION

Among the numerous reasons for the exhibitors' alarm over the proposed system of buying and selling pictures through competitive bids is the possibility that the system would, not only leave the established exhibitor open to invasion by a new comer, but also create a rash of indis-

criminate theatre building that may result in many communities being dangerously over-seated.

There is no question that the threat of invasion, which has always existed to some degree, has been heightened by the court's ruling that any qualified person will have the right to bid for pictures.

It is unpredictable as to whether or not the court, in handing down a final decree, will heed the exhibitors' opposition to auction-selling, but it is doubtful whether any modifications the court might make in the decree will in any way restrain a newcomer, or even an experienced exhibitor, from building a competitive theatre, except, of course, in the case of the theatre-owning distributors, whose expansion in any area will be under the supervision of the court.

Those of you who might be concerned over the possibility of your community's becoming over-seated, because of a rash of indiscriminate theatre building, should read again the warning and advice given in these columns in the May 19, 1945 issue, which dealt with the control of theatre building. The editorial, which is as timely today as it was then, follows in part:

"... The prosperity that the people of this country have enjoyed during the last few years has enabled many of them to accumulate sizeable bank accounts and, now that the trend is back to normalcy, many individuals are shopping around for enterprises that will give them post-war security.

"The motion picture theatre, to those who are unacquainted with show business operations, seems to be a lucrative business. And one can hardly blame them for being impressed, because the fantastic salaries paid to picture people in Hollywood, and the tremendous dollar grosses that are publicized in both the daily and trade papers, are enough to make one's head swim. If one could only convince these people of the pitfalls in our business... they might think twice before investing their money. But in most cases such an approach by an exhibitor to a prospective exhibitor would be looked upon with suspicion; he might feel that he was being talked out of a 'good thing.'

"Yet the fact remains that a surge of indiscriminate theatre building on the part of, not only newcomers, but also those in the business, without regard for a community's ability to support more than a given number of theatres, threatens to undermine the orderly conduct of the exhibition business. Competition can often be beneficial, but 'over-seating' is usually disastrous to all concerned.

"Established exhibitors seeking some measure of protection can do something about this impending condition before it is too late.

"In the... November 11 [1944] issue, I reproduced an ordinance adopted by the City Council of Winchester, Kentucky, on February 19, 1937, regulating the operation of motion picture theatres and other similar places of public entertainment within the city limits. This ordinance was modeled after a proposed ordinance drafted by my attorney a number of years ago, prescribing the conditions under which new theatres might be built, and it is designed to protect the established exhibitor. It is an effective ordinance because, unlike others, which limit the number of theatres in accordance with the number of inhabitants, thus leaving their constitutionality doubtful, this one is predicated on the police powers of the local governing body, and would thus have a better chance of being upheld if challenged in the courts.

"Those who have copies of the November 11, 1944 issue of HARRISON'S REPORTS may extract that ordinance and present it to the city councils for action; those who have misplaced their copies may apply to this office for another copy.

"Now is the time for action, before the reckless surge of theatre building gets under way. You must not permit yourself to become complacent merely because building operations are still under strict control. The restrictions may be lifted momentarily. Then it will be too late for preventative measures. Remember that you cannot build a dam while the flood waters are rushing in."

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Gentleman Joe Palooka—Kirkwood-Knox.....	Sept. 28
Dangerous Money—Sidney Toler.....	Oct. 5
Wife Wanted—Kay Francis.....	Oct. 12
Bringing Up Father—Joe Yule.....	Oct. 26

Paramount Features

(1501 Broadway, New York 18, N. Y.)

Block 4

- 4516 The Virginian—McCreary-Donlevy Apr. 5
 4517 The Blue Dahlia—Ladd-Lake Apr. 19
 4518 They Made Me a Killer—Lowery-Britton May 3
 4519 The Well-Groomed Bride—DeHavilland-Milland May 17

Block 5

- 4521 The Bride Wore Boots—Stanwyck-Cummings May 31
 4522 Our Hearts Were Growing Up—Russell-Lynn June 14
 4523 Hot Cargo—Gargan-Reed June 28
 4524 To Each His Own—Olivia De Havilland July 5

Block 6

- 4526 O.S.S.—Ladd-Fitzgerald July 26
 4527 The Searching Wind—Young-Sidney Aug. 9
 4528 Swamp Fire—Weissmuller-Crabbe Sept. 6
 4529 Strange Love of Martha Ivers—Stanwyck-Hellin Sept. 13

Special

- 4531 Road to Utopia—Crosby-Hope Mar. 22
 4532 Monsieur Beaucaire—Bob Hope Aug. 30

PRC Pictures, Inc. Features

(625 Madison Ave., New York 22, N. Y.)

- Mask of Dijon—Von Stroheim-Bates (re.) Apr. 9
 Murder is My Business—Beaumont-Walker Apr. 10
 Thunder Town—Bob Steele (57 m.) Apr. 10
 Devil Bat's Daughter—LaPlanche-James Apr. 15
 Caravan Trail—Eddie Dean (62 m.) Apr. 20
 Wife of Monte Cristo—Loder-Aubert Apr. 23
 Ghost of the Hidden Valley—Crabbe (56 m.) June 3
 Avalanche—Cabot-Borg June 20
 Colorado Serenade—Eddie Dean (68 m.) June 30
 Larceny in Her Heart—Beaumont-Walker July 10
 Prairie Bad Men—Buster Crabbe (55 m.) July 17
 Queen of Burlesque—Young-Ankers July 24
 Terrors on Horseback—Buster Crabbe (55 m.) Aug. 14
 Down Missouri Way—Wright-O'Driscoll Aug. 15
 Secrets of a Sorority Girl—Ware-Vallin Aug. 15
 Overland Riders—Buster Crabbe Aug. 21
 Blonde for a Day—Beaumont-Walker Aug. 29
 Strange Holiday—Claude Rains Sept. 2
 Outlaw of the Plains—Crabbe Sept. 22
 Accomplice—Richard Arlen Sept. 29
 Gas House Kids Oct. 7
 Lady Killers—Lowery-Savage Oct. 14

(More to Come)

Beginning of 1946-47 Season

- Her Sister's Secret—Lindsay-Reed Sept. 23
 Driftin' River—Eddie Dean Oct. 1
 Melody Roundup—Eddie Dean Nov. 1

Republic Features

(1790 Broadway, New York 19, N. Y.)

- 512 Murder in the Music Hall—Ralston Apr. 10
 515 Undercover Woman—Livingston-Withers Apr. 11
 555 Alias Billy the Kid—Sunset Carson (56 m.) Apr. 17
 5501 Home on the Range—Hale (Magnacolor) (55 m.) Apr. 18
 514 Catman of Paris—Esmond-Aubert Apr. 20
 516 The Glass Alibi—Fowley-Gwynne Apr. 27
 448 Rainbow Over Texas—Roy Rogers (65 m.) (1944-45) May 9

- 567 Sun Valley Cyclone—Bill Elliott (55 m.) May 10
 518 Passkey to Danger—Bachelor-Richmond May 11
 519 The French Key—Dekker-Ankers May 18
 556 El Paso Kid—Sunset Carson (55 m.) May 22
 520 Valley of the Zombies—Livingston-Booth May 24
 517 In Old Sacramento—Elliott-Moore May 31
 521 One Exciting Week—Al Pearce June 8
 5502 Man from Rainbow Valley—Monte Hale (56 m.) June 15

- 522 Traffic in Crime—Richmond-Mara June 28
 524 Specter of the Rose—Kurov-Essen July 5
 5541 My Pal Trigger—Roy Rogers (79 m.) July 10
 523 Night Train to Memphis—Acuff-Lane-Mara July 12
 525 Rendezvous with Annie—Albert-Patrick July 22
 568 Conquest of Cheyenne—Elliott (56 m.) July 22
 557 Red River Renegades—Sunset Carson (55 m.) July 25
 526 The Inner Circle—Douglas-Roberts Aug. 7
 527 The Last Crooked Mile—Barry-Savage Aug. 9
 528 G. I. War Brides—Ellison-Lee Aug. 12
 529 Invisible Informer—Stirling-Henry Aug. 19
 541 Under Nevada Skies—Roy Rogers (69 m.) Aug. 26
 531 Mysterious Mr. Valentine—Stirling-Henry Sept. 3
 558 Rio Grande Raiders—Carson Sept. 9
 542 Roll on Texas Moon—Roy Rogers (68 m.) Sept. 12

RKO Features

(1270 Sixth Ave., New York 20, N. Y.)

(No national release dates)

Block 5

- 621 Without Reservations—Colbert Wayne
 622 Badman's Territory—Scott-Richards
 623 Ding Dong Williams—McGuire-Vernon
 624 The Truth About Murder—Granville-Conway
 625 Partners in Time—Lum and Abner
 Block 6

- 626 Till the End of Time—McGuire-Madison
 627 Crack-Up—O'Brien-Trevor-Marshall
 628 Bedlam—Karloff-Lee
 629 The Falcon's Alibi—Conway-Corday
 630 The Bamboo Blonde—Langford-Wade
 Specials

- 681 Along Came Jones—Cooper-Young
 651 Wonder Man—Danny Kaye
 691 Wonderful Adventures of Pinocchio—(reissue)
 661 Bells of St. Mary's—Crosby-Bergman
 682 Tomorrow is Forever—Colbert-Welles-Brent
 692 Make Mine Music—Disney
 683 The Stranger—Robinson-Welles-Young
 (End of 1945-46 Season)

Beginning of 1946-47 Season**Block 1**

- 701 Sister Kenny—Russell-Knox
 702 Lady Luck—Hale-Young-Morgan
 703 Step by Step—Tierney-Jeffries
 704 Sunset Pass—James Warren
 705 Great Day—English cast
 Specials

- 761 Notorious—Bergman-Grant
 Twentieth Century-Fox Features

Twentieth Century-Fox Features

(444 W. 56th St., New York 19, N. Y.)

- 625 The Dark Corner—Stevens-Ball May
 626 Do You Love Me?—O'Hara-Haymes-James May
 627 Rendezvous 24—Gargan-Palmer May
 628 Cluny Brown—Jones-Boyer June
 629 Somewhere in the Night—Hodiak-Guild June
 630 Strange Triangle—Foster-Hasso June
 631 Smoky—MacMurray-Baxter July
 632 It Shouldn't Happen to a Dog—Landis-Joslyn July
 633 Centennial Summer—Crain-Wilde Aug.
 634 Anna and the King of Siam—Harrison-Dunne Aug.
 635 Deadline for Murder—Taylor-Ryan Aug.
 636 Black Beauty—Freeman-Denning Sept.
 637 Claudia and David—Young-McGuire Sept.
 638 If I'm Lucky—Blaine-James Sept.
 Sun Valley Serenade—Reissue Sept.
 The Bowery—Reissue Oct.
 639 Three Little Girls in Blue—Haver-Blaine Oct.
 Strange Journey—Kelly-Massen Oct.
 640 Home Sweet Homicide—Garner-Scott Oct.

United Artists Features

(729 Seventh Ave., New York 19, N. Y.)

- Young Widow—Russell-Hayward Mar. 1
 Johnny in the Clouds—English Cast Mar. 15
 Rebecca—Olivier-Fontaine (reissue) Apr. 26
 A Night in Casablanca—Marx Bros. May 10
 A Scandal in Paris—Sanders-Hasso July 19
 Mr. Ace—Raft-Sidney Aug. 2
 Caesar and Cleopatra—Leigh-Rains Aug. 16
 The Bachelor's Daughters—Dvorak-Trevor Sept. 6
 Angel on My Shoulder—Muni-Baxter-Rains Sept. 20

Universal Features

(1270 Sixth Ave., New York 20, N. Y.)

- 526 Madonna of the Seven Moons—English cast Apr. 5
 527 Blonde Alibi—Neal-O'Driscoll Apr. 12
 528 So Goes My Love—Loy-Ameche Apr. 19
 529 Night in Paradise—Bey-Oberon May 3
 530 Strange Conquest—Wyatt-Gilmore May 10
 531 She Wolf of London—Haden-Porter May 17
 532 The Cat Creeps—Collier-Brady May 17
 533 She Wrote the Book—Davis-Oakie May 31
 534 Dressed to Kill—Rathbone-Bruce June 7
 535 The Runaround—Raines-Cameron June 14
 536 Lover Come Back—Brent-Ball June 21
 537 Inside Job—Foster-Rutherford June 28
 538 Her Adventurous Night—O'Keefe-Walker July 5
 539 Danger Woman—Joyce-Porter July 12
 540 The Dark Horse—Terry-Savage July 19
 541 Canyon Passage—Andrews-Donlevy-Hayward July 26
 542 Cuban Pete—Arnaz-De Wit July 26

543 The Black Angel—Duryea-Vincent-Lorre... Aug. 2
 544 Slightly Scandalous—Brady-Drew Aug. 2
 1105 Rustler's Roundup—Kirby Grant Aug. 9
 545 Wild Beauty—Porter-Collier Aug. 9
 546 The Time of Their Lives—Abbott & Costello. Aug. 16
 547 Dead of Night—English cast Aug. 23
 1107 Gunman's Code—Kirby Grant Aug. 30
 548 The Killers—Lancaster-Gardner Aug. 30
 (Ed. Note: "The Brute Man," listed in the last release schedule as No. 547, has been replaced by "Dead of Night.")

Warner Bros. Features

(321 W. 44th St., New York 18, N. Y.)

517 Devotion—Lupino-De Havilland-Henreid Apr. 20
 518 Her Kind of Man—Clark-Paige-Scott May 11
 519 One More Tomorrow—Sheridan-Morgan June 1
 520 Janie Gets Married—Leslie-Hutton June 22
 521 A Stolen Life—Davis-Ford July 6
 522 Of Human Bondage—Henreid-Parker July 20
 523 Night and Day—Grant-Smith-Martin Aug. 3
 524 Two Guys from Milwaukee—Morgan-Carson. Aug. 17
 (End of 1945-46 Season)

Beginning of 1946-47 Season

601 The Big Sleep—Bogart-Bacall Aug. 31
 602 Shadow of a Woman—King-Dantine Sept. 14

SHORT SUBJECT RELEASE SCHEDULE

Columbia—One Reel

7759 Community Sings No. 9 (10½ m.) May 9
 7753 Unsure-Runs—Color Rhapsody (7½ m.) May 16
 7859 Screen Snapshots No. 9 (11 m.) May 23
 7808 Diving Aces—Sports (9 m.) May 23
 7703 Snap Happy Traps—Phantasy (6½ m.) June 6
 7860 Screen Snapshots No. 10 (9½ m.) June 10
 7660 Community Sings No. 10 (10 m.) June 13
 7956 Dick Stabile & Orch.—Film Vodvil June 16
 7503 Picnic Panic—Col. Rhap. (6 m.) June 20
 7809 Flying Hoofs—Sports (9 m.) June 27
 7704 The Schooner the Better—Phantasy (6½ m.) July 4
 7661 Community Sings No. 11 (9 m.) July 11
 7957 Saxie Dowell & Orch.—Film Vodvil (10 m.) July 18
 7602 Cagney Bird—Flippy (6½ m.) July 18
 7662 Community Sings No. 12 (10½ m.) Aug. 1
 7958 Bobby Byrnes & Orch.—Film Vodvil (10 m.) Aug. 15
 7810 Deep Sea Fishing—Sports (9 m.) Aug. 15
 7754 Mysto Fox—Fox & Crow (7 m.) Aug. 29
 7603 Silent Treatment—Flippy (6½ m.) Sept. 19
 (End of 1945-46 Season)

Beginning of 1946-47 Season

8851 Screen Snapshots No. 1 Sept. 5
 8651 Community Sings No. 1 Sept. 12
 8951 Jerry Wald & Orch.—Thrills of Music Sept. 12
 8801 Army Football Champions—Sports Sept. 19
 8120 Son of the Guardsman—Serial (15 ep.) Oct. 24

Columbia—Two Reels

7426 Get Along Little Zombie—Herbert (17 m.) May 9
 7410 Ain't Love Cuckoo?—Schilling (19 m.) June 6
 7407 Monkey Businessmen—Stooges (18 m.) June 20
 7408 Three Loan Wolves—Stooges (16½ m.) July 4
 7411 You Can't Fool a Fool—Clyde (17 m.) July 11
 7180 Chick Carter, Detective—Serial (15 ep.) July 11
 7412 Hot Water—Schilling-Lane (18½ m.) July 25
 7427 Mr. Wright Goes Wrong—Holloway (19m.) Aug. 1
 7428 Headin' for a Weddin'—Vera Vague Aug. 15
 (End of 1945-46 Season)

Beginning of 1946-47 Season

8401 G. I. Wanna Go Home—Stooges (15½ m.) Sept. 5
 8421 Pardon My Terror—Schilling-Lane Sept. 12
 8431 Society Mugs—Howard (16 m.) Sept. 19

Metro-Goldwyn-Mayer—One Reel

M-783 Musical Masterpieces—Miniature (10 m.) Apr. 20
 S-758 Studio Visit—Pete Smith (10 m.) May 11
 K-776 Our Old Car—Pass. Par. (11 m.) May 11
 S-759 Equestrian Quiz—Pete Smith (9 m.) May 18
 W-736 The Milky Waif—Cartoon (7 m.) May 18
 T-717 Looking at London—Traveltalk (10 m.) June 1
 S-760 Treasures from Trash—Pete Smith (10 m.) June 8
 M-784 Bikini—The Atom Island—Miniature (10 m.) June 15
 W-737 The Hick Chick—Cartoon (7 m.) June 15
 W-738 Trap Happy—Cartoon (7 m.) June 29
 W-739 Northwest Hounded Police—Cartoon (8 m.) Aug. 3

Metro-Goldwyn-Mayer—Two Reels

A-702 Purity Squad—Special (20 m.) Nov. 3

Paramount—One Reel

D5-2 Bargain Counter Attack—Little Lulu (7 m.) May 3
 Y5-4 In the Wilds—Speak. of Animals (9 m.) May 10
 R5-8 Riding the Hickories—Spotlight (9 m.) May 17
 P5-2 Cheese Burglar—Noveltoon (7 m.) May 17
 L5-4 Unusual Occupations No. 4 (10 m.) (re.) May 24
 U5-4 Together in the Weather—Puppetoon (7 m.) May 24
 E5-3 Klondike Casanova—Popeye (8 m.) May 31
 P5-3 Old MacDonald Had a Farm—Novel. (7 m.) June 7
 E5-4 Peep in the Deep—Popeye (7 m.) June 7
 Y5-5 The Lonesome Stranger—Speak. of Animals (10 m.) June 14
 J5-5 Popular Science No. 5 (10 m.) June 21
 R5-9 Birds Make Sport—Spotlight (9 m.) June 21
 P5-4 Sheep Shape—Noveltoon (7 m.) June 28
 L5-5 Unusual Occupations No. 5 (10 m.) July 12
 R5-10 Feminine Class—Spotlight (10 m.) July 19
 D5-3 Bored of Education—Little Lulu (7 m.) July 26
 E5-5 Rocket to Mars—Popeye (6 m.) Aug. 9
 D5-4 Chick and Double Chick—Little Lulu (6m.) Aug. 16
 E5-6 Rodeo Romeo—Popeye (6 m.) Aug. 16
 J5-6 Popular Science No. 6 (10 m.) Aug. 16
 L5-6 Unusual Occupations No. 6 (10 m.) Aug. 30
 Y5-6 Be Kind to Animals—Speak. of Animals (10 m.) Aug. 30
 U5-6 Don Henry & Inky Poo—Puppetoon (6 m.) Sept. 6
 U5-5 Jasper's Derby—Puppetoon (8 m.) Sept. 20
 P5-5 Goal Rush—Noveltoon (6 m.) Sept. 27
 P5-6 Sudden Fried Chicken—Noveltoon (7 m.) Oct. 4
 U5-7 Jasper in a Jam—Puppetoon (7 m.) Oct. 11
 D5-5 Musica Lulu—Little Lulu (7 m.) Oct. 25
 E5-7 Fistic Mystic—Popeye (6 m.) Nov. 1
 D5-6 A Scout with a Gout—Little Lulu Nov. 8
 U5-8 Shoe Shine Jasper—Puppetoon Nov. 15
 E5-8 Island Fling—Popeye Nov. 29

Paramount—Two Reels

FF5-3 College Queens—Musical Parade (19 m.) May 17
 T5-2 Don't Be a Sucker—Special (18 m.) July 4
 FF5-4 A Tale of Two Cafes—Musical Par. (18 m.) July 5
 FF5-5 Double Rhythm—Musical Parade (20 m.) Aug. 23
 FF5-6 Golden Slippers—Musical Par. (16 m.) Oct. 25

Republic—Two Reels

582 King of the Forest Rangers—Serial (12 ep.) Apr. 27
 583 Daughter of Don Q—Serial (12 ep.) July 27
 584 Crimson Ghost—Serial (12 ep.) Oct. 26

RKO—One Reel

64207 Flicker Flashbacks No. 7 (7 m.) Apr. 12
 64104 Pluto's Kid Brother—Disney (7 m.) Apr. 12
 64309 Tenderfoot Trail—Sportscope (8 m.) Apr. 19
 64105 In Dutch—Disney (7 m.) May 10
 64310 Aqua Queens—Sportscope (8 m.) May 17
 64106 Squatter's Right—Disney (7 m.) June 7
 63411 Ben Hogan—Sportscope (9 m.) June 14
 64107 Donald's Double Trouble—Disney (7 m.) June 28
 64108 The Purlined Pup—Disney (7 m.) July 19
 64312 Palmetto Quail—Sportscope (8 m.) July 19

RKO—Two Reels

63106 Two Million Rooms—This is America (16 m.) Apr. 5
 63107 No Place Like Home—This is Amer. (16m.) May 3
 63704 Twin Husbands—Leon Errol (18 m.) May 10
 63108 Panama—This is Amer. (17 m.) May 31
 63109 Port of New York—This Is America (16 m.) June 28
 63404 Wall Street Blues—Ed. Kennedy (17 m.) July 12
 63705 I'll Take Milk—Errol (18 m.) July 12

Twentieth Century-Fox—One Reel

6514 Gandy Goose in It's All in the Stars—Terry. (7 m.) Apr. 12
 6259 Cradle of Liberty—Adventure (8 m.) Apr. 21
 6515 Mighty Mouse in Throwing the Bull—Terry. (7 m.) May 3
 6354 Sea Sirens—Sports (8 m.) May 10
 6516 Mighty Mouse in The Trojan Horse—Terry. (6½ m.) May 26
 6902 Muscle Maulers—Lew Lehr (8 m.) May 31
 6517 Dinky Finds a Home—Terrytoon June 7
 6355 Golden Horses—Sports (8 m.) June 26
 6518 Mighty Mouse in The Johnston Flood—Terry. (7 m.) June 28
 6260 Across the Great Divide—Adventure (8 m.) July 5
 6519 Gandy Goose in Peacetime Football—Terry. (7 m.) July 19
 6520 Gandy Goose in The Golden Hen—Terry. (7 m.) July 24
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- 7251 Sons of Courage—Adventure (8 m.).....Aug. 2
 7501 Winning the West (Mighty Mouse)—Terry.
 (7 m.)Aug. 16
 7301 Football Fanfare—Sports (9 m.).....Aug. 23
 7502 The Tortoise Wins Again—Terrytoon
 (7 m.)Aug. 30
 7503 The Electronic Mouse Trap (Mighty Mouse)—
 Terrytoon (7 m.)Sept. 6
 7252 Jamaica—AdventureSept. 13
 7504 The Jail Break (Mighty Mouse)—Terry.
 (7 m.)Sept. 20
 7351 Winter Holiday—Sports (8 m.).....Sept. 27
 7505 The Snow Man—Terrytoon (7 m.).....Oct. 11
 7253 Historic Capetown—AdventureOct. 18
 7506 The Housing Problem—Terrytoon (7 m.)...Oct. 25

Twentieth Century-Fox—Two Reels

- Vol. 12 No. 9—Wanted—More Houses—
 March of Time (20 m.).....Apr. 19
 Vol. 12 No. 10—Tomorrow's Mexico—
 March of Time (19 m.).....May 17
 Vol. 12 No. 11—Problem Drinkers—
 March of Time (19 m.).....June 14
 Vol. 12 No. 12—The New France—
 March of Time (20 m.).....July 12
 Vol. 12 No. 13—Atomic Power—
 March of Time (19 m.).....Aug. 9

United Artists—One Reel

- The Lady Said No—Daffy Dittys (8 m.).....Apr. 26
 The Flying Jeep—Daffy Dittys (7 m.).....Aug. 20

Universal—One Reel

- 1324 Apple Andy—Cartune (7 m.).....May 20
 1382 Merrily We Sing—Musical (10 m.).....May 27
 1369 Scientifically Stung—Per. Odd. (9 m.)....June 10
 1370 Lone Star Padre—Per. Odd. (9 m.)....June 17
 1349 Dog of the 7 Seas—Var. Views (9 m.)....June 17
 1325 Who's Cooking Who—Cartune (7 m.)....June 24
 1371 Artist's Antics—Per. Odd. (9 m.)....June 24
 1326 Bathing Buddies—Cartune (7 m.).....July 1
 1372 Picture Pioneer—Per. Odd. (9 m.).....July 1
 1350 Magic Mineral—Var. Views (9 m.).....July 1
 1351 Mr. Chimp at Home—Var. Views (9 m.)....Aug. 12
 1373 Hobo Hound—Per. Odd. (9 m.).....Aug. 19
 1374 Samson Jr.—Per. Odd. (9 m.).....Aug. 19
 1327 Reckless Driver—Cartune (7 m.).....Aug. 26
 1352 Operation Holiday—Var. Views (9 m.)....Aug. 26
 1353 Mr. Chimp Goes to the Rescue—Var. Views
 (9 m.)Aug. 26
 1354 Mr. Chimp on Vacation—Var. Views
 (9 m.)Aug. 26
 1375 Rural Rhapsody—Per. Odd. (7 m.).....Aug. 26

Universal—Two Reels

- 1308 Takin' the Breaks—Russ Morgan—Musical
 (15 m.)May 22
 1309 Banquet of Melody—Matty Malnick—Musical
 (15 m.)May 29
 1310 Swinging Down the Scale—Musical (15 m.)..June 26
 1311 Breakin' It Down—Musical (15 m.).....Aug. 28

Vitaphone—One Reel

- 2308 Katnip College—Cartoon (7 m.).....May 4
 2608 Dixieland Jamboree—Mel. Master (10 m.)..May 11
 2510 Facing Your Danger—Sports (10 m.).....May 11
 2508 Undersea Spear Fishing—Sports (10 m.)....May 18
 2309 Night Watchman—Cartoon (7 m.).....May 18
 2721 Hair Raising Hare—Cartoon (7 m.).....May 25
 2805 Girls & Flowers—Adventure (10 m.).....May 25
 2701 Kitty Kornered—Looney Tune (7 m.).....June 8
 2310 Little Brother Rat—Cartoon (7 m.).....June 8
 2702 Hollywood Daffy—Merrie Mel. (7 m.).....June 22
 2311 Johnny Smith & Poker Huntas—Cartoon
 (7 m.)June 22
 2722 Acrobatty Bunny—Bugs Bunny (7 m.)....June 29
 2509 The Riding Hannefords—Sports (10 m.)....June 29
 2609 Musical Memories—Mel. Master (10 m.)....July 6
 2312 Robinhood Makes Good—Cartoon (7 m.)..July 6
 2703 Eager Beaver—Merrie Mel. (7 m.).....July 13
 2704 Great Piggy Bank Robbery—Merrie Mel.
 (7 m.)July 20
 2804 Let's Go Camping—Adventure (10 m.)....July 27
 2705 Bacall to Arms—Merrie Melody (7 m.)....Aug. 3
 2512 Ranch in White—Sports (10 m.).....Aug. 3
 2610 Enric Madriguera & Orch.—Mel. Mas.
 (10 m.)Aug. 10

- 2806 Adventures in South America—Adventure
 (10 m.)Aug. 10
 2706 Of Thee I Sting—Merrie Mel. (7 m.).....Aug. 17
 2313 Little Red Walking Hood—Cartoon (7 m.)..Aug. 17
 2707 Walky Talky Hawky—Merrie Mel. (7 m.)..Aug. 31
 2513 Dominion of Sports—Sports (10 m.).....Aug. 31
 2723 Rackateer Rabbit—Bugs Bunny (7 m.)....Sept. 14
 2708 Fair and Wormer—Merrie Mel. (7 m.)....Sept. 28
 2724 Big Snooze—Bugs Bunny (7 m.).....Oct. 5
 2709 Mousemerized Cat—Merrie Melody (7 m.)..Oct. 19
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- 3501 King of the Everglades—Sports (10 m.)....Sept. 14
 3301 Fox Pop—Blue Ribbon Cartoon (7 m.)....Sept. 28
 3401 So You Want to Save Your Hair—Joe
 McDoakes (10 m.).....Oct. 5
 3601 Dezi Arnaz & Band—Melody Master (10 m.)..Oct. 12
 3302 Wackie Worm—Blue Ribbon Cartoon (7 m.)..Oct. 12
 3801 Star Spangled City—Adventure (10 m.)...Oct. 19
 3502 Lazy Hunter—Sports (10 m.).....Oct. 26
 3303 You're an Education—B. R. Cartoon (7 m.)..Oct. 26

Vitaphone—Two Reels

- 2005 South of Monterey—Special (20 m.).....June 1
 2006 Hawaiian Memories—Special (20 m.).....June 15
 2007 Down Singapore Way—Special (20 m.)....July 20
 2008 Men of Tomorrow—Special (20 m.).....Aug. 24
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- 3101 O. K. For Sound—Featurette (20 m.).....Sept. 7
 3001 Cinderella's Feller—Special (20 m.).....Sept. 21

**NEWSWEEKLY NEW YORK
RELEASE DATES****Pathe News****Beginning of
1946-47 Season**

- 75101 Wed. (O).....Aug. 21
 75202 Sat. (E).....Aug. 24
 75103 Wed. (O).....Aug. 28
 75204 Sat. (E).....Aug. 31
 75105 Wed. (O).....Sept. 4
 75206 Sat. (E).....Sept. 7
 75107 Wed. (O).....Sept. 11
 75208 Sat. (E).....Sept. 14
 75109 Wed. (O).....Sept. 18
 75210 Sat. (E).....Sept. 21
 75111 Wed. (O).....Sept. 25
 75212 Sat. (E).....Sept. 28
 75113 Wed. (O).....Oct. 2
 75214 Sat. (E).....Oct. 5

Paramount News

- 102 Thurs. (E) ..Aug. 22
 103 Sunday (O) ..Aug. 25
 104 Thurs. (E) ..Aug. 29
 (End of 1945-46 Season)

**Beginning of
1946-47 Season**

- 1 Sunday (O) ..Sept. 1
 2 Thurs. (E) ..Sept. 5
 3 Sunday (O) ..Sept. 8
 4 Thurs. (E) ..Sept. 12
 5 Sunday (O) ..Sept. 15
 6 Thurs. (E) ..Sept. 19
 7 Sunday (O) ..Sept. 22
 8 Thurs. (E) ..Sept. 26
 9 Sunday (O) ..Sept. 29
 10 Thurs. (E) ..Oct. 3
 11 Sunday (O) ..Oct. 6

Universal

- 530 Thurs. (E) ..Aug. 22
 531 Tues. (O) ..Aug. 27
 532 Thurs. (E) ..Aug. 29
 533 Tues. (O) ..Sept. 3
 534 Thurs. (E) ..Sept. 5
 535 Tues. (O) ..Sept. 10
 536 Thurs. (E) ..Sept. 12
 537 Tues. (O) ..Sept. 17
 538 Thurs. (E) ..Sept. 19
 539 Tues. (O) ..Sept. 24
 540 Thurs. (E) ..Sept. 26
 541 Tues. (O) ..Oct. 1
 542 Thurs. (E) ..Oct. 3
 543 Tues. (O) ..Oct. 8

Fox Movietone

- 102 Thurs. (E) ..Aug. 22
 103 Tues. (O) ..Aug. 27
 104 Thurs. (E) ..Aug. 29
 (End of 1945-46 Season)

**Beginning of
1946-47 Season**

- 1 Tues. (O) ..Sept. 3
 2 Thurs. (E) ..Sept. 5
 3 Tues. (O) ..Sept. 10
 4 Thurs. (E) ..Sept. 12
 5 Tues. (O) ..Sept. 17
 6 Thurs. (E) ..Sept. 19
 7 Tues. (O) ..Sept. 24
 8 Thurs. (E) ..Sept. 26
 9 Tues. (O) ..Oct. 1
 10 Thurs. (E) ..Oct. 3
 11 Tues. (O) ..Oct. 8

News of the Day

- 300 Thurs. (E) ..Aug. 22
 301 Tues. (O) ..Aug. 27
 302 Thurs. (E) ..Aug. 29
 303 Tues. (O) ..Sept. 3

**Beginning of
1946-47 Season**

- 200 Thurs. (E) ..Sept. 5
 201 Tues. (O) ..Sept. 10
 202 Thurs. (E) ..Sept. 12
 203 Tues. (O) ..Sept. 17
 204 Thurs. (E) ..Sept. 19
 205 Tues. (O) ..Sept. 24
 206 Thurs. (E) ..Sept. 26
 207 Tues. (O) ..Oct. 1
 208 Thurs. (E) ..Oct. 3
 209 Tues. (O) ..Oct. 8

All American News

- 200 FridayAug. 23
 201 FridayAug. 30
 202 FridaySept. 6
 203 FridaySept. 13
 204 FridaySept. 20
 205 FridaySept. 27
 206 FridayOct. 4
 207 FridayOct. 11

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No. 35

A Legal Analysis of the Statutory Court's Decision—No. 4

By George S. Ryan

(2) Run and Clearance (cont'd)

(c) SEPARATE GRANTS OF CLEARANCE BY INDIVIDUAL DISTRIBUTORS

The Government's contention was that clearance produced unreasonable restriction of competition and was therefore violative of the Sherman Act. With that contention the Court did not agree. They ruled:

"... it seems to us that a grant of clearance, when not accompanied by a fixing of minimum prices or not unduly extended as to area or duration, affords a fair protection to the interests of the licensee without unreasonably interfering with the interests of the public."

In reaching that conclusion the Court declared that, at common law, a covenant of a seller of property not to compete with his purchaser within a given area or for a specific time was not illegal. They asserted that, because of the cost of prints, the showing of films "would be confined to the larger high-priced theatres unless a system of successive runs with a reasonable protection for the earlier runs is adopted in the way of clearance." In the Consent Decree "there is an explicit recognition that 'clearance, reasonable as to time and area, is essential in the distribution of motion pictures.'" Clearance provisions, they declared—"... are no more than safeguards against concurrent or subsequent licenses in the same area until the exhibitor whose theatre is involved has had a chance to exhibit the pictures licensed without invasion by a subsequent exhibitor at a lower price. . . ."

"... while clearance may indirectly affect admission prices, it does not fix them and is, we believe, a reasonable restraint permitted by the Sherman Act. . . ."

"... The exhibitors need assurances that a competitor would not be licensed to show the same film at the same time or so soon thereafter that the exhibitors' income would be greatly diminished. . . ."

The Government, according to the opinion, had conceded "that the licensor may license its pictures for different successive dates." To the Court it seemed that clearance was in effect the same thing, and that it permitted the public to see the picture in a subsequent run theatre at lower than prior-run rates. They declared:

"Several courts have previously considered the validity of clearances under the Sherman Act and have concluded that in the absence of an unconscionably long time or too extensive an area embraced by the clearance, or a conspiracy of distributors to fix clearances, there was nothing of itself illegal in their use. . . . We find the reasoning of these cases persuasive."²⁸

From the opinion it is obvious that in the view of the Court an agreement for clearance is not illegal (a) when not the result of a conspiracy by distributors; (b) when not accompanied by an understanding to fix minimum admission prices; and (c) when not unreasonable as to time or area.

In view of the contentions of the Government and the decision of the Expediting Court, two important issues affecting clearance remain to be decided by the Supreme Court:

1. Whether, under the present system, any agreement for clearance between a distributor and an exhibitor, as distinguished from a voluntary grant by a distributor, can legally be made.

2. Whether, in the absence of conspiracy or an intent to maintain a monopoly, a grant of clearance by a distributor is legal only if reasonable as to time and area.

It is not the purpose of the writer to express an opinion on these questions in advance of a decision by our highest tribunal. It may be observed, however, that the decisions cited by the Statutory Court are not too convincing in their reasoning, although made by courts of very respectable authority. And it may be seriously doubted whether any clearance resulting from the demand of a dominant exhibitor, whether reasonable or unreasonable, will meet with the approval of the Supreme Court.

In connection with the first proposition, whether any agreement for clearance can be legally made, it will be recalled that in the section of the opinion relating to admission price fixing the Statutory Court pointed out that it was unnecessary to decide whether a copyright owner might lawfully fix admission prices to be charged by an exhibitor, if other licensors (distributors) and exhibitors were not in contemplation, because other licensors and exhibitors were, as a practical matter, always in contemplation. The same reasoning might be applied to a clearance restriction; because, as a practical matter, it can seldom be made unless other distributors and exhibitors are in the contemplation of the parties.

In regard to the second proposition, whether a grant of clearance is legal only if reasonable as to time and area, it may be observed that clearance, originating with the distributor, for its own legitimate business purpose, stands upon a footing different from a restriction that is a part of a system or which originates with the demand of a dominant exhibitor. The distributor is the copyright owner of the films. It has the undisputed and indisputable right to do what it pleases with them. It may decline to release them and place them on a shelf, or it may release them for a single exhibition in one city, and then burn them. The Statutory Court, in its discussion of "Block Booking," expressly recognized this right of a distributor when they said: "The distributor may of course not license his pictures at all. . . ." And the Government has conceded that a distributor may lawfully "stagger" runs and specify the dates of exhibition of its films. In the absence of conspiracy, therefore, or of participation in a uniform system, the question of the right of a distributor to grant clearance, irrespective of its reasonableness, may not be of too great significance.

CLEARANCE, RUNS, ADMISSION PRICES

The Statutory Court said:

"The evidence we have referred to shows that both independent distributors and exhibitors when attempting to bargain with the defendants have been met by a fixed scale of clearances, runs, and admission prices to which they have been obligated to conform if they wished to get their pictures shown upon satisfactory runs or were to compete in exhibi-

(Continued on last page)

"Two Years Before the Mast" with Alan Ladd, Brian Donlevy and William Bendix

(Paramount, no release date set; time, 98 min.)

In spite of the fact that it falls down as far as the story is concerned, this sea melodrama should prove fairly thrilling to men who do not mind grim entertainment. Women, however, will probably find the picture too harrowing for their tastes since part of the action is quite brutal. Adapted from the novel by Richard Henry Dana, Jr., the story is a strong account of the hardships and cruelties suffered by merchant seamen in the early part of the nineteenth century, depicting with grim realism the methods employed to shanghai unwilling seamen and the brutalities inflicted to keep them subjugated. The sufferings of the men at the hands of a sadistic captain makes one feel pity for them. Several of the situations, such as the one in which the men mutiny against the injustices of the tyrannical captain, are exciting. The story is weakened by a slight romantic interest, which is dragged in by the ear:—

Ready to sail from Boston to California, Howard Da Silva, captain of the brig, *Pilgrim*, finds that most of his crew had deserted him. He orders William Bendix, his first mate, to shanghai a crew. Through error, Alan Ladd, foppish son of Ray Collins, the ship's owner, is among those forced on board. Included in the crew was Brian Donlevy (as Richard Henry Dana), who had signed aboard voluntarily to learn about seamen's lives. Da Silva, a strict disciplinarian, bent on making a record voyage from Boston to California, backs up his demands for obedience to orders by floggings and starvation rations. Even Ladd is treated as a common seaman and dealt with severely. Because of his determination to make the voyage in record time, Da Silva disregards the welfare of his crew and refuses to put in at a port for fresh food stocks. The bad food and short rations result in an outbreak of scurvy, and this disease, coupled with the brutal discipline, causes the death of two crew members. Ladd, enraged, stages an unsuccessful one-man mutiny in an effort to force the captain to put ashore for fresh supplies. Da Silva puts Ladd in irons, but the crew, by this time rebellious, sets Ladd free and, in a fight to the finish, slay the captain and take control of the ship. The seamen decide upon a life of piracy rather than face charges of mutiny, but Ladd, supported by Donlevy, induces them to return to Boston to wage a fight for better conditions and to make possible publication of Donlevy's notes revealing the injustices and inhumanities they had suffered. At a hearing before a U. S. Senate committee, the men are vindicated and plans are formulated for more equitable laws governing American seamen.

Seton I. Miller and George Bruce wrote the screen play, Mr. Miller produced it, and John Farrow directed it. The cast includes Barry Fitzgerald, Albert Dekker, Roman Bohnen, Esther Fernandez and many others.

Unobjectionable morally.

"Brief Encounter" with Celia Johnson and Trevor Howard

(Prestige-Universal, no release date set; time, 85 min.)

This British-made picture is a fine adult love drama. Handled with care and intelligence, it is the type of picture that discerning audiences in particular should find absorbing, for it avoids that which smacks of routine picture-making.

Briefly, the story tells of the desperate but frustrated romance that springs up between two middle-aged people, Celia Johnson, a happily married woman and mother of two children, and Trevor Howard, a contented married doctor, as a result of a chance meeting when he takes a cinder out of her eye at a railway station. Each travelled to a small English town on Thursdays, she on a weekly shopping trip, and he to attend patients at a local hospital. Mutually attracted, they keep a rendezvous on a few successive Thursdays and their innocent acquaintance soon ripens into a love so deep that it tortures their consciences. They experience so much unhappiness because of the futility of their love that Howard, in order not to break up both their happy homes, brings the romance to an end by accepting a post offered him in South Africa.

It is a simple story, but it has been presented in a way that stirs one's emotions strongly; it should have a powerful appeal for women. Even men should find it extremely interesting, because of its honesty in the portrayal of the two leading characters, and of the natural way in which the action unfolds. The all-English cast is unknown to American audiences, but their performances are first-rate. Although the story is told in flashback it does not diminish

one's interest in the outcome. The background music is exceptionally good.

Noel Coward wrote the screen play based on his own one-act play, "Still Life." Mr. Coward produced it, and David Lean directed it. The cast includes Stanley Holloway, Joyce Carey, Cyril Raymond and others.

"Mr. Ace" with Sylvia Sidney and George Raft

(United Artists, Aug. 2; time, 82 min.)

The combination of Sylvia Sidney and George Raft should result in pretty good box-office returns, but judged solely on its merits this political drama is only fair entertainment. The story, which revolves around the conflict between an ambitious woman, who seeks to become Governor, and a crooked political boss, who opposes her, is not very edifying, for the characters involved resort to questionable means to gain their ends. Even though both the main characters become regenerated in the end, their earlier actions deprive them of audience sympathy. The fact that one's interest is held fairly well throughout is due more to the good performances than to the story itself. The romantic interest is strong:—

Seeking the nomination for governor of her state, Congresswoman Sylvia Sidney rejects the request of her husband, Alan Edwards, for a divorce; Edwards, a millionaire, had deserted her shortly after their marriage, and she planned to use his distinguished family name to further her political career. To assure herself of the nomination, Sylvia seeks the support of George Raft, head of a powerful political organization. She resorts to womanly wiles to win his backing, but Raft, though attracted to her, refuses to support her candidacy. Unable to make any headway with Raft, Sylvia bribes one of his political henchmen to create a split in the organization and to support her for governor. Her scheme wins her the nomination, and Raft, angered by her methods, visits her husband and offers to testify that he had spent the night with her. His move compels her to withdraw from the election and to grant her husband a divorce. Shortly thereafter, Raft learns from Roman Bohnen, a college professor and mutual friend, that Sylvia's experience with machine politics had taught her the need for public servants who would serve the people and not the politicians. Convinced that her interest in politics was now sincere, Raft, aided by the professor, secretly arranges for Sylvia to re-enter the race as candidate for an independent political party. She wins the election by her expose of the corrupt dealings of Raft's organization, and by indicting Raft and his henchmen for fraud. It is not until after her victory that she learns of Raft's secret support. She confesses her love for him and offers to withdraw her charges, but Raft declines, content in the thought that she would be waiting for him upon his release from jail.

Fred Finklehoffe wrote the original screen play, Benedit Bogea produced it, and Edwin L. Marin directed it. The cast includes Stanley Ridges, Jerome Cowan, Sara Haden, Sid Silvers and others.

Unobjectionable morally.

"Shadows Over Chinatown" with Sidney Toler

(Monogram, July 27; time, 64 min.)

A tiresome program offering. It is the latest in the "Charlie Chan" mystery series and, although the picture runs only 64 minutes, considerable padding had to be done to give it that footage, which is an indication of how thin is the story. Even those who are not too discriminating in their choice of entertainment may find it boring, for the action is slow and lacking in excitement. Moreover, the story is so difficult to follow that one loses interest in the outcome long before the finish. It has some comedy, but most of it is so inane that it falls flat:—

En route to San Francisco to investigate an insurance-racket murder case, Charlie Chan (Sidney Toler) finds himself stranded in a small bus station when the bus breaks down. Among the other passengers on the bus were Bruce Kellogg, a marine searching for his missing fiancée; Mary Gordon, an elderly woman, who was on her way to San Francisco to search for her missing daughter; John Gallaudet, a private detective; Victor Sen Young, Chan's son; and Manton Moreland, his chauffeur. An unsuccessful attempt is made on Chan's life by a mysterious person shortly before the trip is resumed. In San Francisco, while working on the murder case, Chan discovers that Miss Gordon's missing daughter and Kellogg's missing fiancée were the same person (Tanis Chandler), who in some way was connected

with the crime. Chan, enlisting the aid of Gallaudet, follows up a series of clues and learns that Tanis had been working for an escort bureau, whose secret head had tried to involve her in the racket-murder case he was investigating. Tanis had changed her name and had disappeared to get away from her mysterious employer. Chan succeeds in locating Tanis and induces her to serve as bait in an effort to trap the secret head. Several more murders occur before Chan, endangering the lives of both Tanis and himself, discovers that Gallaudet, the private detective, was the head of the racket. He brings him to justice with the aid of the San Francisco police.

Raymond Schrock wrote the original screen play, James S. Burkett produced it, and Terry Morse directed it. The cast includes Jack Norton and others.

Unobjectionable morally.

"High School Hero" with Freddie Stewart and June Preisser

(Monogram, Sept. 7; time, 69 min.)

This latest of the "Teen Agers" comedies with music should get by as a program filler wherever something light can be used to round out a double bill. Like the first two pictures in the series, this one, too, has a story that is extremely thin, but it serves well enough as a framework for several pleasant though undistinguished musical numbers, and for some amusing comedy situations provoked by the high school "jinks" of a lively group of youngsters. As in the previous pictures, Freddie Stewart's pleasant singing is a highlight. Popular type music by the orchestras of Jan Savitt and Freddie Slack, and a specialty number by Isabelita, a Latin singer, help carry the picture:—

Several vexing problems face Whitney High School: The football team, led by Freddie Stewart and Warren Mills, is so poor that Douglas Fowley, the coach, demands that his resignation be accepted; the school paper, edited by Noel Neill, is so low on circulation that she finds herself on the verge of suspending publication; and the principal (Milt Kibbee), under pressure from the Mayor because of a pending visit by the Governor, finds himself compelled to replace student talent with professional performers for the forthcoming school bazaar. In the course of events it is discovered that June Preisser, Freddie's girl-friend, is an excellent football player, and she agrees to masquerade as Mills and to play his position if Freddie would make an effort to get the student talent back into the show. To carry out a plan, Freddie visits orchestra leader Jan Savitt at a local dance hall, only to become involved with Isabelita, Savitt's singer, who takes a romantic interest in him and ruins his romance with June. On the day of the Governor's visit, a series of complicated events ensue in which Noel, seeking to boost the circulation of her paper, obtains and publishes sensational photographs of June being caught by the Governor in the football team's locker room; of Freddie in an amorous embrace with Isabelita; and of the principal in a compromising position with one of the female teachers. Despite these complications, however, the school's problems are solved satisfactorily when the team wins the big game, the students combine with the professionals to put on the show, and the increase in circulation enables Noel to carry on with the school paper.

Hal Collins and Arthur Dreifuss wrote the original screen play, Sam Katzman produced it, and Mr. Dreifuss directed it. The cast includes Jackie Moran, Ann Rooney, Frankie Darro, Pierre Watkin and others.

Unobjectionable morally.

"If I'm Lucky" with Vivian Blaine, Perry Como, Harry James and Carmen Miranda

(20th Century-Fox; Sept.; time, 79 min.)

Although not much can be said for the story, this mixture of politics and music shapes up as fairly good entertainment for those who enjoy musical pictures. It may do better than average business because of the popularity of the players. Musically, the picture is satisfying, for the production numbers are tuneful and lavish, and the dance routines are well executed. But the picture bogs down considerably when it sticks to the story, which is a thin, far-fetched tale about a "crooner" who becomes an unwilling candidate for governor and wins the election. Aside from the story's defects, however, it serves well enough as a framework for the musical talents of the different players. Phil Silvers and Carmen Miranda provide the comedy, but the ordinary material they have to work with does not give them much of a chance. The romantic interest is routine:—

Stranded in a small town when a deal arranged by Phil Silvers, their manager, falls through, Harry James and his band, including singers Vivian Blaine, Carmen Miranda, and Perry Como, accept an engagement to play music at campaign rallies for Edgar Buchanan, a gubernatorial candidate. Buchanan, tool of a corrupt political machine headed by Frank Fenton, finds himself becoming popular with the people, as the result of James' successful shows, and decides to become serious about his election. Fenton, interested only in the reelection of the corrupt incumbent governor, becomes disturbed lest Buchanan win the election and get out of control. He resorts to blackmail to force Buchanan out of the race, and he persuades Como to take his place as a means of keeping the troupe employed. Much to Fenton's surprise, however, Como becomes highly popular with the public. The political leader decides to back Como fully, but through trickery makes him sign papers that would keep him under control in the event he won the election. In the course of events, Como learns of Fenton's trickery and, on election eve, reveals to the people the whole story of the political machine's plan to use him as a "tool" for their dishonest intentions. He withdraws from the race and urges the people to vote for his opponent. But the voters, captivated by his honesty, elect him to office.

Snag Werris, Robert Ellis, Helen Logan and George Bricker wrote the screen play, Bryan Foy produced it, and Lewis Seiler directed it.

Unobjectionable morally.

"No Leave, No Love" with Van Johnson, Keenan Wynn and Pat Kirkwood

(MGM, no release date set; time, 119 min.)

In spite of the fact that it lags occasionally, this comedy with music should go over with the masses pretty well, for it is fast, breezy, and funny. Its farcical story about the misadventures of two discharged marines offers little that is novel, but it has been presented in a highly amusing way and is filled with situations that should provoke hilarious laughter. Keenan Wynn carries the burden of the comedy in his usual capable fashion, but the surprise of the picture is the gay performance of Marina Koshetz, a newcomer, who enacts the role of a singing Russian countess; she has an excellent flair for comedy, and her singing voice is extremely good. Worked into the plot are some entertaining musical numbers featuring the orchestras of Xavier Cugat and Guy Lombardo, and the pleasant singing of Pat Kirkwood, who plays the romantic lead. An outstanding specialty number is provided by Frank "Sugarhile" Robinson, a cute colored child about five years old, whose "boogie-woogie" piano playing and singing is nothing short of sensational. Edward Arnold, cast in a comedy role, handles his part very well. Like most MGM musicals, the production mountings are on a lavish scale.

In the development of the plot, Van Johnson, a Marine hero eager to return home to his girl, is tricked by Keenan Wynn, his buddy, into appearing on Pat Kirkwood's radio show, which arranged for returned servicemen to telephone their families. Peeved because Wynn's trickery had delayed his homecoming, Johnson compels Wynn to impersonate him on the program. Arrangements are completed for a telephone call to Johnson's mother, Selena Royle, who informs Pat confidentially that Johnson's sweetheart had married another man and requests that he be detained in Hollywood until she could arrive and break the news to him herself. Pat agrees to cooperate. She manages to detain Johnson by demanding that he remain in town until her next broadcast to clear up the hoax he had perpetrated on the listening public by having Wynn pose as him. She installs both Johnson and Wynn in a swanky hotel suite, and instructs the management to cater to their slightest wish. Wynn, seeking to earn an easy dollar, takes advantage of his good fortune and of the room shortage by renting parts of the suite to Marina Koshetz, a Russian countess, and Edward Arnold, Pat's radio sponsor, entertaining both of them royally. Arnold, unaware that Wynn was actually his guest and that he himself was footing the bills, gleefully accepts the lavish hospitality. Wynn's machinations lead him and Johnson into one scrape after another, the climax being reached by Arnold's discovery that he had been urging them to squander his own money. Eventually, it all ends with Johnson learning the true reason for his detention and with his falling in love with Pat.

Charles Martin and Leslie Kardos wrote the original screen play, Joe Pasternak produced it, and Mr. Martin directed it. The cast includes Marie Wilson, Leon Ames, and many others.

Unobjectionable morally.

bition either with the defendants' theatres or with theatres to which the latter have licensed their pictures. Under the circumstances disclosed in the record there has been no fair chance for either the present or any future licensees to change a situation sanctioned by such effective control and general acquiescence as have obtained."

The Court reached the conclusion that the only way competition might be introduced into the present system was to require the defendants, when licensing pictures to theatres not their own, to offer each picture to other exhibitors on the run and with the clearance desired, and to license to the highest responsible bidder having an adequate theatre. This remedy of competitive bidding will be discussed in a later section of this article, relating to the rights and responsibilities of independents.

(3) Formula Deals, Franchises, Master Agreements

By formula deals, which, according to the Court's findings, had been entered into by Paramount and RKO with independent and affiliated circuits, features are licensed, separately or collectively, for exhibition in all the theatres of a circuit at a specified percentage of the gross receipts realized from all the theatres in the United States. The circuit may allocate playing time and film rentals among its various theatres as it sees fit. The deals have been negotiated without competition by independent theatre owners, who would be at a great disadvantage in attempting to match or out-bid the circuit. Such deals, the Court held, are illegal.

"... Arrangements whereby all the theatres of a circuit are included in a single agreement, and no opportunity is afforded for other theatre owners to bid for the picture in their several areas, seriously and as we hold unreasonably restrain competition."

Master agreements cover exhibition in two or more theatres of a circuit. They are of two kinds: Certain agreements allow the circuit to allocate the film rental among its theatres and to exhibit the features upon such playing time as it deems best, and leaves other terms to its discretion. These are illegal. But master agreements in which there are separate provisions for the licensing of individual pictures in each theatre, and which in effect only combine in one document a number of theatres, with proper licenses, are legal "if there is an opportunity for exhibitors to bid for the same runs at an offered price."

Franchises are objectionable because they cover too long periods of time—more than one season—and frequently embrace all the pictures released by a distributor.

These formula deals, master agreements and franchises, the Court ruled, have tended to restrain trade in the distribution and exhibition of motion pictures, and have exerted unreasonable restraints. But the restraints would be obviated or mitigated by subjecting each picture to the bidding system.

Answering the objection that the prohibition of these agreements would interfere with existing contracts, because only one party to the contract was enjoined from carrying it out, while the other person was not a party to the litigation, the Court declared that the formation of these agreements was in restraint of trade and the decision would be a judicial precedent on the questions of law involved. The implication is that, as the contracts were illegal in their inception, no other court would require the parties to perform them.

²⁰The decisions relied upon were *Westway Theatre, Inc. v. Twentieth Century-Fox Film Corporation*, (D.C. Md.) 30 F. Supp. 830; affirmed (C.C.A. 4) 113 F. 2d 932; and *Gary Theatre Company v. Columbia Pictures Corporation*, (C.C.A. 7) 120 F. 2d 891.

"Bowery Bombshell" with the Bowery Boys

(Monogram; July 20; time, 65 min.)

Continuing in the slapstick vein similar to the other pictures in the "Bowery Boys" series, this comedy-melodrama is no better and no worse than its predecessors. The story is far-fetched and extremely silly, depending for its entertain-

ment on the rowdy antics of the characters. But in theatres where other pictures of this series have gone over, this, too, should prove acceptable, for the action is fast and at times comical enough to provoke hearty laughter. One sequence in particular, where Leo Gorcey and his chums masquerade as gangsters and frighten a real gang, is extremely funny:—

Leo Gorcey and his pals (Huntz Hall, Bobby Jordan, Billy Benedict, and David Gorcey) decide to visit a bank to raise money for a financially embarrassed friend. The boys reach the bank just as three robbers run from the building, with one of them dropping a bag full of money. Hall, unaware that a robbery had been committed, picks up the bag and returns it to the thieves just as Teala Loring, a sidewalk photographer, snaps his picture. When the newspapers publish the picture, the boys find it necessary to hide Hall from the police lest he be picked up for the crime. Meanwhile Sheldon Leonard, head of the crooks who committed the holdup, takes advantage of the photograph by giving out information that Hall was a member of a dangerous rival gang, which for some time had managed to keep the identities of its members secret. Gorcey, discovering evidence that Sheldon's gang had committed the crime, determines to recover the money in order to clear Hall. Impersonating the rival gangsters, Gorcey and his pals visit Sheldon's night-club and by sheer bluff force him and his gang to admit to the holdup and to return the stolen money. But, before the boys can reach the police, Sheldon learns of their masquerade and sends his hoodlums after them. A free-for-all fight ensues, with the police arriving in the nick of time to help capture the bandits.

Edmond Seward wrote the original screen play, Lindsay Parsons and Jan Grippo produced it, and Phil Karlson directed it. The cast includes James Burke, Vince Barnett, Bernard Gorcey and others.

Unobjectionable morally.

"Spook Busters" with the Bowery Boys

(Monogram, August 24; time, 68 min.)

Like "Bowery Bombshell," the review of which appears above, this is another in the "Bowery Boys" series of program comedies, with an appeal strictly for the series' fans. This time Leo Gorcey and his juvenile gang become involved with a demented scientist, who used as his headquarters a supposedly haunted house. The story, of course, is a hodge-podge of nonsense, but it manages to be fairly amusing in spots and should have no trouble provoking laughter from those who are not too discriminating about their screen fare:—

Upon graduation from Extermination College, Leo Gorcey and his pals set up a bug-killing business. Their first job takes them to a haunted house, which was being used secretly by Douglas Dumbrille, a mad scientist, who was carrying on a series of weird experiments. Dumbrille, disturbed by the boys' presence, orders his henchmen (Richard Alexander and Charles Middleton) to resort to numerous ghost tricks to scare them away so that he could continue his experiments. Meanwhile Gabriel Dell, returning from overseas with his French bride (Tanis Chandler), follows the boys to the house to greet them. Dumbrille's henchmen kidnap Tanis and hold her prisoner together with Dr. Maurice Cass, a timid scientist, who was being compelled to assist Dumbrille. Failing to frighten the boys away from the house, Dumbrille captures Huntz Hall and plans to transplant his brain into a gorilla. Gorcey, to save Hall, manages to disguise himself as Dr. Cass and helps to prepare his pal for the operation. Dumbrille, however, sees through his masquerade. A free-for-all fight ensues, in which the gorilla takes a part, before all are rescued by the police and the mad doctor and his aides taken into custody.

Edmond Seward and Tim Ryan wrote the original screen play, Jan Grippo produced it, and William Beaudine directed it. The cast includes Bobby Jordan, Billy Benedict, Bernard Gorcey, David Gorcey and others.

Unobjectionable morally.

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No. 36

A Legal Analysis of the Statutory Court's Decision—No. 5

By George S. Ryan

(4) Discriminatory License Provisions

As a result of its previous rulings, the Court arrived at the conclusion that provisions for "moveover runs" and the system of "overage and underage," which permitted a circuit owner to supply a deficit in playing time of one house by a surplus in another theatre, were illegal because they are incompatible with the bidding system prescribed. But extended or repeat runs are not objectionable "if reasonably limited in time when other exhibitors are given the opportunity to bid for similar licenses."

The Court stated that any other license provisions which would substantially interfere with the effectiveness of the bidding system would have to be revised and specifically dealt with in the decree.

(5) Block Booking and (6) Blind Selling

The trade practices known as "block booking" and "blind selling" are defined and described by the Statutory Court in the following language:

"Block-booking—the practice of licensing or offering for license, one feature, or a group of features, upon condition that the exhibitor shall also license another feature or group of features released by the distributor during a given period."

"For many years the distributor-defendants licensed their film in 'blocks,' or indivisible groups, before they had been actually produced. In such cases the only knowledge prospective exhibitors had of the films which they had contracted for was from a description of each picture by title, plot and players. In many cases licenses for all the films had to be accepted in order to obtain any, though sometimes the exhibitor was given a right of subsequent cancellation for a certain number of pictures. . . ."

In an article of HARRISON'S REPORTS of May 9, 1936, the present writer traced the history and outlined the economic effects of block booking and blind buying.²⁷ As early as 1927 the practice was challenged by the Federal Trade Commission in a proceeding against Paramount and others, which culminated in 1932 by a decision of the Circuit Court of Appeals for the Second Circuit in New York that the practice was not illegal.²⁸ In that action no other distributor was involved. The decision apparently was on the ground that in the absence of monopoly or danger of monopoly by Paramount, it had a right to choose its own sales methods. But the opinion clearly indicated that the practice would be illegal if it resulted in monopoly or the suppression of competition.

Apparently, too, the Federal Trade Commission, with its limited powers, did not attack the practice on the precise grounds urged by the Government before the Statutory Court.

An attempt to correct the evils inherent in this practice was made in the Consent Decree, which required the consenting defendants to trade-show their films and which limited the number in a contract to five, although permitting more than one block to be licensed after the pictures had been trade-shown. The restriction expired by limitation of time, but the consenting defendants continued to observe it. The non-assenting distributors retained their methods of

licensing in blocks, but had allowed their customers considerable freedom in cancelling a percentage of the pictures.

"The plaintiff argues that the Sherman Act forbids block-booking in toto. This is said to be because it is illegal to condition the licensing of one film upon the acceptance of another, and it therefore can make no difference whether the group of films involved in a license be two or forty. In our opinion this contention is sound, and any form of block-booking is illegal by which an exhibitor, in order to obtain a license for one or more films, must accept a license for one or more other films."

Having declared the practice illegal, the Court launched into an extensive and analytical discussion of the anti-trust laws and the copyright laws in explanation of their decision. In substance they pointed out that a tying provision in a contract, by which a patentee had granted a license with a stipulation that the patented invention should be used only with unpatented material furnished by the licensor, had been adjudicated to be unenforceable. The same rule, when applied to copyrights, would prevent a copyrighted owner, who, for example, had licensed the printing of this book, from enforcing a restriction that it might be done only with paper supplied by him. The reasons for prohibiting the tying of a patent or copyright to unpatented or uncopyrighted material also prohibited the tying of one copyrighted feature to one or more other copyrighted features. Otherwise the result would be to extend the lawful monopoly of a copyrighted film given by the copyright laws to other films, and to require the licensee to pay royalties for their use. "In either case," the Court declared, "the copyright owner is obtaining something which the decisions have forbidden as beyond the grant of his limited monopoly." They added:

"Block-booking, when the license of any film is conditioned upon taking of other films, is a system which prevents competitors from bidding for single pictures on their individual merits and adds to the monopoly of a single copyrighted picture that of another copyrighted picture which must be taken and exhibited in order to secure the first. . . ."

Thereupon, for the reasons already given, and "particularly because of recent decisions of the Supreme Court," the Statutory Court declined to follow the decision of the Court of Appeals in the Federal Trade Commission block-booking decision already mentioned.²⁹

On this topic, the Court concluded as follows:

"We, however, declare illegal only that aspect of block-booking which makes the licensing of one copyright conditional upon an agreement to accept a license of one or more other copyrights. A distributor may license to an exhibitor at one time as many films as the latter wishes to receive, but the distributor may not constitute groups of pictures which it refuses to license separately. . . ."

Recognizing the right of a distributor to refuse to license its films on any terms, the Court, in language just quoted, declared in effect that it had no right to compel an exhibitor, who desired to secure one specific film, to license additional films he did not want to exhibit. And it ruled that the

(Continued on last page)

"I've Always Loved You" with Catherine McLeod and Philip Dorn

(Republic, no release date set; time, 117 min.)

From a production point of view, this Technicolor musical drama is excellent, for it is exceedingly fine in every detail; it is obvious that great care and expense went into producing the lavish and tasteful backgrounds. And the photography, too, is superb. But it is in the story that producer-director Frank Borzage has fallen down—it is slow moving, commonplace, repetitious and unconvincing. Moreover, it lacks dramatic power. As it stands, it is a picture that will probably be enjoyed mostly by cultured audiences, mainly because a considerable part of the footage is devoted to brilliantly played classical music, both orchestral and piano pieces, with the dubbed in piano playing the work of Artur Schnabel, famed pianist. The acting, with one exception, is uniformly good. Philip Dorn, as an overbearing, temperamental pianist and conductor, and Catherine McLeod, as his talented protegee, play their respective roles adequately. But not much can be said for William Carter, a newcomer, as the man Miss McLeod marries; his acting is awkward:—

Impressed by the talent of Catherine, daughter of an old friend (Felix Bressart), Dorn, a famed pianist and conductor, makes her his protegee. She studies tirelessly under his relentless direction, braving his temperamental outbursts and concealing her love for him, despite his casual affairs with other women. She eventually makes her debut in Carnegie Hall, with Dorn conducting the orchestra, but she plays so well that Dorn, jealous of his own pupil, deliberately ruins her performance and breaks his association with her. Heartbroken, Catherine returns to her father's farm, where she marries William Carter, a childhood sweetheart. They have a daughter and, with the passing years, the young lady (Vanessa Brown) shows promise of being as great a pianist as her mother. Carter, haunted through the years by a desire to know for sure that Catherine loved him and not Dorn, grasps the opportunity to find out on the night of their daughter's debut at Carnegie Hall; he insists that Catherine take Vanessa to Dorn for an opinion of her playing before she appears in public. Dorn diplomatically informs the girl that she lacked great talent, then asks to be left alone with her mother. He confesses to Catherine that he had longed for her through the years, and demands an opportunity to prove to her that he still dominated her life. He insists that she take Vanessa's place at Carnegie Hall that night, while he conducts the orchestra. Catherine accepts the challenge and, under the baton of her former teacher, scores a personal triumph and proves that he no longer dominated her and that she loved Carter, thus removing all doubt from her husband's mind.

Borden Chase wrote the screen play from his own story, "Concerto." The cast includes Fritz Feld, Maria Ouspenskaya, Adele Mara and others.

Unobjectionable morally.

"Gallant Journey" with Glenn Ford and Janet Blair

(Columbia, Sept. 17; time, 86 min.)

Ordinary! It deals with the highlights in the career of John J. Montgomery, said to be the first to fly a heavier-than-air machine in controlled flight. Dramatically, the story falls flat, for it is developed in a weak manner and fails to make any impression. Glenn Ford, as Montgomery, is a gloomy, moody hero, lacking the spark one enjoys seeing in a man who struggles to realize a dream. The picture's best part concerns itself with the launching of a crude glider-plane from a balloon. There is considerable excitement and suspense in this sequence, but it is not enough to carry the picture as a whole. For comedy, there is the antics of a Catholic priest, who acts like a clown; it is in bad taste, and many people will undoubtedly resent it. Considerable footage is given over to a routine romance, with a number of the love scenes too long drawn out. The picture has been produced on a limited budget, most of the action being confined to outdoor scenes.

The story opens in 1879 with Montgomery, as a nineteen-year-old farm boy, obsessed with a desire to fly. His family and friends think him crazy, but Regina Cleary (Janet Blair), who idolized him, has complete faith in his dream. Four years later, Montgomery succeeds in flying a home-made glider more than 600 feet, and with the aid of two Catholic priests from a school nearby he is enabled to continue his experiments. Meanwhile Regina continues to be one of his staunch supporters, patiently hoping that he would one day reciprocate her love. Montgomery finishes his new plane but is not permitted to fly it because of an attack of vertigo. Regina enlists the aid of Dan Mahoney (Jimmy Lloyd), a daredevil parachutist, who attaches the glider to a balloon, cuts it loose at 4000 feet, and flies it successfully for 22 minutes. The newspapers hail the accomplishment, and Montgomery, to finance additional experiments, sets out on an exhibition tour that ends tragically when Mahoney is killed in a crash. Montgomery's fortunes rise when he sells the rights to a gold-separating invention for \$25,000 and marries Regina. But he soon finds himself broke again after defending a lawsuit involving his invention. Spurred on by Regina, he returns to his experiments, builds a new aeroplane, and decides to fly it himself. He suffers a vertigo attack in mid-air, and crashes. A few hours later, he dies.

William A. Wellman produced and directed from an original screen play by himself and Bryon Morgan. The cast includes Charles Ruggles, Henry Travers and others.

Unobjectionable morally.

"Gallant Bess" with Marshall Thompson and George Tobias

(MGM, no release date set; time, 101 min.)

A fairly appealing melodrama. It belongs to the current cycle of pictures centering around a youngster's love for a horse and, other than the fact that part of the action has a war background, as well as the fact that it has been photographed in natural colors by the Cinecolor process, there is nothing unusual about either the story or its treatment. As a matter of fact, its running time is by far too long for the simple, and at times maudlin, story it has to tell. Moreover, since there are no women in the cast and it lacks romantic interest, the picture will have an appeal mostly to male audiences and to youngsters. The photography in the outdoor scenes is beautiful, but the color is detrimental to the actors rather than helpful; it gives a greenish cast to their faces, making the skin appear blemished:—

Marshall Thompson, a sixteen-year-old orphan, trying to make a success of his parents' ranch, lavishes all his affection on "Bess," an intelligent mare. One day the youngster is accosted by a fast-talking Navy recruiting officer, who signs him up as a Seabee, although he was underage. Leaving his ranch in charge of Clem Bevens, an old friend, Thompson completes his training course and, just before he heads overseas, he visits his horse and watches her die in foal. Heartbroken, he embarks for a South Pacific base, where he works laboriously with his outfit but is unable to shake off his sorrow. One night he discovers a horse pinned under a tree in the jungle and, with the aid of his buddies, including George Tobias, frees the animal and nurses it back to health. Thompson renames the horse "Bess," and their mutual attachment helps him to forget the loss of his ranch mare. "Bess" becomes the mascot of the outfit, and one day, when Thompson is shot by a Jap sniper in the jungle, the animal goes to his aid and brings him back to camp safely. Ordered back to the States because of his injury, Thompson is despondent over leaving "Bess" behind. The horse, however, swims after the LST carrying Thompson home, and the kindly commander orders the lift lowered so that the animal could be brought aboard and transported to America with her master.

Jeanne Bartlett wrote the original screen play, Harry Rapf produced it, and Andrew Marton directed it. The cast includes Murray Alper, Chill Wills and others.

Suitable for the entire family.

**"Three Little Girls in Blue" with
June Haver, Vivian Blaine, Vera-Ellen
and George Montgomery**

(20th Century-Fox; October; time, 90 min.)

"Three Little Girls in Blue" shapes up as a pleasant Technicolor musical, the sort that should satisfy most audiences. It has a generous supply of melodious songs, sung competently by the different players, and one lavish production number—a dream sequence, which is well staged. The story, which takes place in 1905 and features the costumes and manners of that period, is lightweight, but it is well balanced in its proportion of romance, comedy, music and dancing, and the action is gay and sprightly all the way through. The film marks the screen debut of Celeste Holm, who gained fame as a comedienne in the successful Broadway musical, "Oklahoma." She is a refreshing personality, adept at handling comedy lines, and sings well, too. Like most Fox musicals, the elaborate backgrounds in this one are eye-filling:—

Disappointed when an expected heritage proves to be a meager one, three pretty sisters (June Haver, Vivian Blaine, and Vera-Ellen) leave their farm and, with \$3000, head for Atlantic City in the hope of finding three millionaire husbands. Seeking to make an impression, despite their limited finances, they rent a suite in a swank hotel, with June posing as a wealthy heiress, Vivian, as her secretary, and Vera-Ellen, as her maid. June soon finds herself pursued by two wealthy bachelors, George Montgomery and Frank Latimore, who vie with one another for her favors. Meanwhile Vivian keeps tabs on their diminishing finances while Vera-Ellen starts a romance with Charles Smith, a bellboy. Learning that their money had run out, June decides to select Montgomery for a husband. She confesses her love for him, informs him that she was a penniless farm girl, and tells him the truth about why she and her sisters came to Atlantic City. She is shocked when he confesses that he, too, was penniless and that he was seeking a wealthy wife. June offers to marry him anyhow, but Montgomery, despite his love for her, declines. Shortly thereafter, she accepts Latimore's offer of marriage, and all go to his Maryland estate for a visit. There, Celeste Holm, Latimore's sister, senses that June was still in love with Montgomery. She invites him to the estate and, through clever scheming, soon has June in his arms. Latimore, who by this time had fallen in love with Vivian, is pleased with the turn of events. But all are surprised no end when Vera-Ellen proudly announces that she had beat her sisters to snaring a husband by marrying the bellboy earlier in the day.

Valentine Davies wrote the screen play from a play by Stephen Powys, Mack Gordon produced it, and Bruce Humberstone directed it. The cast includes Charles Halton and others.

Unobjectionable morally.

**"Little Miss Big" with Fay Holden
and Beverly Simmons**

(Universal, Aug. 30; time, 60 min.)

A charming little picture, full of human interest. There is villainy, of course, but this is more than offset by the heroics and kindness of most of the characters. It is the story of a wealthy woman, who is saved from her scheming relatives by a poor family. As the wealthy woman, Fay Holden is natural. As a matter of fact, all the sympathetic characters act as genuine human beings, with the exception of Frank McHugh, who, for purposes of comedy, behaves in an exaggerated way. Little Beverly Simmons is lovable. The picture has been produced well and the directorial work is faultless:—

John Eldredge, a scheming young man, succeeds in having Miss Holden, his wealthy aunt, committed to an insane asylum. The court appoints him as trustee of her holdings. Fay manages to escape from the asylum and, tired, she faints at the door of Frank McHugh's barber shop. Dorothy Morris, McHugh's daughter, and Fred Brady, her fiance,

take Miss Holden into McHugh's home, revive her, and feed her. She refuses to answer their questions about her identity. The newspapers play up Miss Holden's escape, causing a turmoil in the police department. Eventually McHugh, his daughters, and Fred, discover her identity. But instead of turning her over to the police and claiming the reward, they try to hide her until such time as Fred has a chance to study lawbooks to find out if there is a loophole in the procedure by which Miss Holden's relatives had her committed to the asylum. He does come upon a detail by means of which he enlists the aid of Miss Holden's lawyer and succeeds in proving that the sanity hearing was illegal. Freed from the threat of the asylum, Miss Holden makes the McHugh family happy.

Erna Lazurus wrote the screen play from a story by Harry H. Poppe. Marshall Grant produced it, and Erle C. Kenton directed it. The cast includes Milburn Stone, Samuel S. Hinds and others.

Suitable for the entire family.

(Continued from back page)

**(8) Operating, Buying and Booking
Agencies**

In their opinion the Statutory Court refer to the question of the legality of operating, buying and booking agencies in the following language:

"It should be added that in our opinion there can be no objection to operating, booking, or film buying through agents, provided the agent is not also acting in respect to theatres owned by other exhibitors, independent or affiliated, and provided that in case the agent is buying films for its principal he does this through the bidding system, theatre by theatre."

From this pronouncement it will be observed that the Court assumed the legality of such agencies only if—

- (1) the agent is not acting for other exhibitors;
- (2) the agent buys through the bidding system, theatre by theatre.

In their directions for the entry of a decree the Court prescribed:

"Each defendant shall be enjoined from operating, booking or film-buying through any agent who is also acting in such matters for any other exhibitor, independent or affiliated."

Obviously, therefore, it is the considered opinion of the Court that it is unlawful for any defendant to operate, buy or book through an agency acting for another exhibitor; and, further, that it is illegal for such an agent to act in such matters for a defendant and another exhibitor.

The difficult question arises, therefore, whether a buying and booking agency acting for isolated independent exhibitors, or for groups of independent exhibitors, is also unlawful. This question will be discussed later when considering the impact of the proposed decree upon independent exhibitors. At this time, however, it may be mentioned that the Statutory Court did not refer to the decision in 1941 of Federal Judge Pickard in the District Court of Michigan,²¹ holding that a buying and booking combination known as Co-Operative Theatres of Michigan was legal, but condemning some of its actions and agreements as monopolistic practices.

²¹In the article by the writer just mentioned it is suggested that "blind buying" is a more appropriate term, "because the seller is not blind; he knows in advance the revenue he will receive. It is the buyer who deals with his eyes shut."

²²*Federal Trade Commission v. Paramount Famous Lasky Corporation*, 51 F. (2d) 152.

²³*Federal Trade Commission v. Paramount Famous Lasky Corporation*, 57 F. 2d 152.

In effect, although not technically, they overruled the decision of a higher authority. The Statutory Court was sitting in the District Court, which is inferior to the Circuit Court of Appeals, a court of appellate jurisdiction.

²⁴For decisions of State Courts where leases of theatres were declared illegal because they resulted in local monopolies of the motion picture business, see *Love v. Kozzy Theatre*, 193 Ky. 336, 236 S.W. 243, 26 A.L.R. 354, 369; *Crandall v. Scott* (Tex.) 161 S.W. 925.

²⁵*Mid-West Theatres Co. v. Co-Operative Theatres of Michigan*, (D.C. E.D. Mich. S.D.) 43 F. Supp. 216.

pictures, if sold in groups for convenience, had to be separately priced and sold to the highest qualified bidder.

In the opinion the Statutory Court expressed the view that blind-selling "does not appear to be as inherently restrictive of competition as block-booking, although it is capable of some abuse," they apparently condemn it for only the following reasons:

"By this practice a distributor could promise a picture of good quality or of a certain type which when produced might prove to be of poor quality or of another type—a competing distributor meanwhile being unable to market its product and in the end losing its outlets for future pictures . . ."

Unless the opinion is based upon actual or potential fraud inherent in the method of the sale, which ordinarily is not a ground for relief under the antitrust laws, it is not clear upon what ground the practice is condemned. Any license, whether the parties deal with eyes open or closed, has a tendency to exclude a competitor from the market. Whether in any circumstances a single "blind" sale or purchase, not linked to block-booking, is censurable, is open to considerable doubt. The ruling, however, is to be commended as setting up a high standard of business morality.

Because trade-shows have been so poorly attended, in the view of the Court, exhibitors who choose to purchase in quantities should be given "an option to reject a certain percentage of their blind-licensed pictures within a reasonable time after they shall have become available for inspection."

(7) Pooling Agreements

In their opinion the Statutory Court succinctly stated the Government's contention that the theatre-owning defendants had combined with each other and with independents "by 'pooling' their theatres through operating agreements, leases, joint stock ownership of theatre-operating corporations, or through joint ownership of theatres in fee." The most numerous type of agreement was that by which theatres, normally competitive, were operated as a unit, or their business policies determined by a joint committee or by one of the exhibitors and the profits divided according to the agreed percentages. Some of the agreements provided that the parties should not acquire competing theatres without first offering them for inclusion in the pool.

In no uncertain language these agreements were condemned:

"These operating agreements we hold to be in clear conflict with the Sherman Act, for through them a defendant-exhibitor reduces to a minimum opposition between its own and other theatres in the 'pool.' Cooperation, rather than competition, characterizes their operation, and in view of the exhibitor-defendants' financial strength, control of first-class film distribution, ownership of concentrated numbers of first-run theatres, and especially their combination to reduce competition in exhibition through systems of price-fixing and clearances, such restraints as these agreements impose upon free commerce in motion pictures are far less than reasonable. The result is to eliminate competition pro tanto both in exhibition and in distribution of films which would flow almost automatically to the theatres in the earnings of which they have a joint interest."

Operating agreements between major defendants (producer-owned theatres) and independent exhibitors are illegal, in view of the Court, because they are beyond the reasonable limitation of restraint allowed by the Sherman Act.

"... The effect is to ally two or more theatres of different ownership into a coalition for the nullification of competition between them and for their more effective competition against theatres not members of the 'pool' . . ."

Operating agreements resulting from leases of theatres, the rentals being determined by a stipulated percentage of profits earned by the pooled theatres, are also within the condemnation of the law.³⁰

The purpose of the anti-trust laws to encourage competition and to eliminate restraints upon it being so clear, it

seems inconceivable that the defendants should require a decision of the Court to notify them of their obligations.

In prescribing the remedy for these violations of the law, the Court declared that appropriate steps should be taken to dissolve the pools. The remedy thus prescribed will be discussed hereinafter in connection with the rulings of the Court relating to the Government's prayer for divestiture of theatres.

(Continued on inside page)

NEEDED—A COURSE IN GOOD TASTE

If Jack Cohn, executive vice-president of Columbia Pictures Corporation, knew what is good for his company, he would "junk" "Callant Journey," then call up on the telephone his brother Harry, who supervises production, to give him a good lecture for having allowed characters representing Catholic priests to appear in this picture. The inclusion of such characters requires tact as well as good taste, virtues that Harry Cohn does not seem to possess, if one is to judge by his supervision in this instance.

The picture shows these priests in a monastery, taking an interest in a young inventor, supposedly a genius who had built a flying machine long before the Wright Brothers had built theirs. One of the priests is presented as a buffoon. He resorts to comedy that is low and vulgar—he employs his projecting big stomach to push the young inventor and other young men when he finds them in a stooping position—a position that lends itself to such pushing. It is true that there are no vulgar thoughts in the priest's mind, but his antics are, nevertheless, in bad taste. Their vulgarity stands out much more because at no time does the story move one.

Another situation that, not only Catholics, but also others will find in bad taste is the sight of the comical priest, immediately after an earthquake in which buildings collapsed and men were either killed or injured, rushing to ascertain whether the young inventor's plane had been destroyed when his thoughts should have been turned towards succoring the maimed and the dying—a time when his spiritual ministrations were needed more than anything else.

I fear that Harry Cohn's tactless presentation of the priest will offend the religious sensibilities of every Catholic, and for this reason you should not show this picture.

If you have a contract for it, Columbia might try to induce you to "live up to it." But remember that that contract is not worth the paper it is written on, for the reason that, on June 11, the Statutory Court declared block-booking as well as the insertion of minimum admission prices in the contracts as violative of the Sherman Act, and as a result of that decision the contract became illegal.

But even if the Court had not found block-booking illegal, any attempt on the part of Columbia to enforce the contract regarding this picture would cause so many protests that it would be compelled to withdraw the picture.

AN IMPORTANT EXHIBITOR EVENT

The forthcoming national convention of Allied States Association of Motion Picture Exhibitors, which will be held at the Copley Plaza Hotel, in Boston, on September 16, 17 and 18, promises to be the most outstanding exhibitor event of the year in point, not only of attendance, but also in the importance of the subjects to be discussed and the policies to be formulated.

On Wednesday, September 18, an open forum will be conducted all day for the discussion of the new method of picture-selling as is provided by the recent decision in the New York anti-trust case. All exhibitors, regardless of what association they are affiliated with, are invited to attend.

Those of you who want to hear the opinions of fellow-exhibitors, or to voice opinions of your own, should make every effort to attend this convention. For reservations and other details, write to Nathin Yamins, General Chairman, Allied Convention, 20 Shawmut Street, Boston, Mass.

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No. 37

A Legal Analysis of the Statutory Court's Decision—No. 6

By George S. Ryan

(9) Discrimination in Favor of Large Circuits

After reciting the contention of the Government "that in licensing films each of the distributor-defendants has discriminated against small independent exhibitors and in favor of the large affiliated and unaffiliated circuits," the discriminatory provisions being found most frequently in franchises or master agreements, while small independents are usually licensed upon the standard forms of contract, the Court specified in detail a large number of such provisions and unhesitatingly condemned them as illegal. They said:

"... The competitive advantages of these provisions are so great that their inclusion in contracts with the larger circuits constitutes an unreasonable discrimination against small competitors in violation of the anti-trust laws. It seems unnecessary to decide whether the record before us justifies a reasonable inference that the distributor-defendants have conspired among themselves to discriminate among their licensees, for each discriminating contract constitutes a conspiracy between the licensee and the licensor. . . ."

Because of the importance of this adjudication, and also because many independent exhibitors are obliged to operate in competition with large circuits, independent or affiliated, to which these discriminatory privileges and preferences have been granted, the condemned provisions are herewith specified in detail, as a preliminary to a subsequent discussion of their effect upon independent exhibitors. The numbers prefixed in parentheses are supplied by the writer.

(1) Suspending the terms of a given contract, if a circuit theatre remains closed for more than eight weeks, and reinstating it without liability upon reopening.

(2) Allowing large privileges in the selection and elimination of films.

(3) Allowing deductions in film rentals if double bills are played.

(4) Granting moveovers and extended runs.

(5) Granting road-show privileges.

(6) Allowing overage and underage.

(7) Granting unlimited playing time.

(8) Excluding foreign pictures and those of independent producers.

(9) Granting rights to question the classification of features for rental purposes.

The Government charged especially that the distributors discriminated in film rentals, clearances and minimum admission prices. The Court, however, stated:

"... They have perhaps done so, but we are without sufficient knowledge of the many factors entering into the determination of these provisions such as the character of specific communities, the nature of the different theatre appointments, of the patrons, operating policies, locations, and responsibility of operators. In the absence of such facts, we are unable to infer that the distributor-defendants have violated the Sherman Act in this particular regard. . . ."

In these respects, therefore, the Court recognized the possibility, if not the probability, that the defendants had violated the law, but in the absence of evidence were unable to make such a determination. They indicated, however, that, under the bidding system, no discrimination in regard

to film rentals, clearance and admission prices could exist.

At this time it may be suggested that, from the point of view of the industry in general, and of independent exhibitors in particular, the decision of the Statutory Court is an adjudication that such discriminations are unlawful. The decision, therefore, is almost as beneficial to independent exhibitors against whom such discriminations have been practiced as if the Court had specifically found the existence of the practices which they condemned.

Conspiracy and Monopolizing

In a number of decisions prior to the opinion of the Statutory Court the major companies had been adjudicated participants in various combinations and conspiracies to restrain interstate commerce or to create and maintain monopolies in the distribution or exhibition of motion picture films. These combinations were in connection with the arbitration clause in the Standard Exhibition Contract,³² the creation and activities of Film Boards of Trade,³³ the prohibition of double features,³⁴ protection, or zoning and clearance,³⁵ boycott of independent competitors³⁶ and conspiring with large circuits to restrict or eliminate independent competition and to establish and maintain a monopoly of exhibition.³⁷ In their decision the Statutory Court condemned additional trade practices. The peculiar significance of the opinion lies, not in the announcement of any novel doctrine of law, but because of the application of established principles of law to practices in the motion picture industry.

In this paper it will be necessary to discuss the law of conspiracy in some detail as a preliminary to the proposed suggestions to independent operators. The law of monopoly will require comment as a basis for consideration of the remedies prescribed by the Court for the defendants' violations of law, particularly in connection with the issue of divestiture of theatres.

(a) CONSPIRACY

In its practical aspects a very important phase of the decision of the Statutory Court related to the evidence necessary to prove conspiracy. In some prior decisions of other courts the plaintiff had been unsuccessful because of lack of proof of the essential elements of this offence, or, perhaps, because of an erroneous interpretation of the law of evidence by the trial court.³⁸ In other decisions, such as the standard contract arbitration, credit committee and Youngclaus cases already mentioned, the facts were agreed upon by the parties. The *Binderup Case*,³⁹ an extremely important decision, was presented to the Supreme Court in such a way that it was assumed, for the purposes of the decision, that the facts alleged by the plaintiff were true. In some other decisions the plaintiff was compelled to rely, without success, chiefly upon inference from established or controverted facts.⁴⁰ Because of the decision of the Statutory Court it is doubtful if such difficulties of proof will again arise to plague a plaintiff in an anti-trust action affecting the motion picture industry.

For many years it has been settled law that a conspiracy is usually hatched in the dark; that ordinary conspirators do not put their agreements in writing; that a conspiracy may be the result of tacit understanding, or of a simultaneous course of conduct by several persons directed to a common end; that a conspiracy may be proved by circumstantial

(Continued on last page)

"Strange Journey" with Paul Kelly, Osa Massen and Hillary Brooke

(20th Century-Fox, October; time, 65 min.)

Just a program melodrama. The production is ordinary, and the story, which revolves around a group of assorted characters stranded on a desert island, and around a fight for possession of a map revealing the site of unknown uranium deposits, is so involved and far-fetched that it cannot be taken seriously; for that reason it fails to keep a tight hold on the spectator's interest. But, since it offers a fair share of melodramatic actions and excitement, it should give ample satisfaction to the action fans, despite the story's ineptness. None of the characters involved are of much importance, nor do they awaken one's sympathy:—

Believing that the police were about to accuse him of a crime he did not commit, Paul Kelly, a former racketeer, flees with his wife (Hillary Brooke) to his privately owned island in the Caribbean. A crash landing on the island destroys their plane, cutting off their only means of transportation. Several weeks later, Kelly, weakened by hunger and angered at Hillary, who had turned against him because of the inconveniences she had to suffer, stumbles onto a shipwrecked party, including Fritz Lieber, a professor; Osa Massen, his daughter; Lee Patrick, a wealthy widow; Kurt Katch, a Nazi spy; and Gene Stutenroth, a ruthless sailor, who bullied the others into doing his bidding. When the professor, who had in his possession the map revealing uranium deposits, dies from a heart attack, Osa entrusts the map to Kelly for safekeeping. But when Hillary reveals that Kelly was running away from a murder charge, Osa distrusts him and asks him to return the map. Kelly refuses, hurt that his honor had been questioned. Kelly soon establishes himself as "boss" of the island when he subdues Stutenroth in a fist fight. Shortly thereafter, Katch offers him a fabulous sum to turn over the map. Pretending to fall in with the scheme, Kelly waits for Katch's accomplices to arrive on the island by plane. Upon their arrival, Kelly engages them in a furious gun fight, in which Hillary's love for him is proven when she saves his life by wiping out the Nazis with a machine gun. All return to the mainland in the Nazi plane, gratified that they had prevented the uranium from falling into enemy hands.

Charles Kenyon and Irving Elnan wrote the screen play, Sol M. Wurtzel produced it, and James Tinling directed it. Unobjectionable morally.

"Little Iodine" with Jo Ann Marlowe

(Comet-United Artists, no release date set; time, 56 min.)

Based on the comic strip of the same name, this comedy of domestic troubles is a mildly amusing program entertainment, best suited for the family trade in small towns and neighborhood theatres. The central figure is a precocious ten-year-old girl, whose efforts to break up an imaginary affair her mother was having with a strange man scandalizes the entire town and causes a separation between her parents. The story is quite thin, being more or less a collection of situations that have proved laughable in similar comedies, but for those who are entertained easily it offers some laughs:—

Jo Ann Marlowe is constantly censured by her parents (Irene Ryan and Hobart Cavanaugh) because of her unpredictable pranks. Returning home from school one day, she sees her mother with a Frenchman and overhears him speaking to her in French, using endearing terms. Actually, the man was trying to sell Miss Ryan a set of foreign language records, but Jo Ann imagines that she was carrying on a secret romance with him. To solve the situation, Jo Ann decides to make her mother jealous of her father. She "plants" evidence to make it appear as if there was another woman in his life. Her innocent prank involves Eve Whitney, a pretty dancing school teacher, to whom Cavanaugh had been attentive in a purely business way, and breaks up Eve's romance with Marc Cramer, a newspaperman. Moreover, her parents quarrel and separate. The whole town becomes scandalized by Cavanaugh's "romancing" with Eve, as built up by Jo Ann, and the meddling women in town organize a committee and compel his employer to discharge him because he was a disgrace to all the fathers in town. It is not until Jo Ann accidentally discovers the truth about the Frenchman that she finally confesses to her prank, thus clearing up the confusion and effecting a reconciliation between her parents, as well as between Eve and Cramer.

Richard Landau wrote the original screen play, Buddy Rogers and Ralph Cohn produced it, and Reginald LeBorg directed it.

"So Dark the Night" with Steven Geray

(Columbia, no release date set; time, 70 min.)

This is a sombre program murder-mystery melodrama, one that can boast of good directorial touches with regard to atmospheric effects, and of competent performances. But all this is wasted on an unconvincing story, which resorts to a time-worn device—schizophrenia (split personality) to bring about a solution to the crimes. The idea of the hero discovering that he himself is the murderer was, no doubt, intended as a surprise ending, but most spectators will probably feel disappointed over this arbitrary solution, for throughout the mystifying doings there is nothing to indicate that he had "Jekyll and Hyde" tendencies. At best, the picture is suited for second place on a double-bill:—

On the verge of a nervous breakdown, Steven Geray, a famous, middle-aged French detective, goes to a small village for a rest. There he falls in love with Micheline Chierel, daughter of the innkeeper, and becomes engaged to her, despite the threats made by Paul Marion, her childhood sweetheart, who swore that he would not let another man have her. Ann Codee, Micheline's mercenary mother, approved of her engagement to the rich detective, but Eugene Borden, her father, disapproved, because of the difference in their ages. On the night of the engagement party, Micheline and Paul disappear, and are afterwards found strangled to death. Geray takes charge of the investigation and discovers a single clue—a footprint, of which he makes a plaster cast, but he cannot find one shoe in the village to fit it. Shortly afterwards, Micheline's mother, too, is strangled to death. Baffled over his inability to solve the murders, Geray returns to Paris to make use of the police department laboratory. He deduces from his calculations that his own shoe fitted the footprint and comes to the realization that he himself was the murderer. He requests an examination by a psychiatrist and is found to be a schizophrenic, sane by day but a mad killer at night. He is put under guard at his own request but later escapes back to the village. The police follow him and shoot him dead when they catch him in the act of strangling Borden.

Martin Berkely and Dwight Babcock wrote the screen play, Ted Richmond produced it, and Joseph H. Lewis directed it. Adult entertainment.

"The Thrill of Brazil" with Evelyn Keyes, Keenan Wynn and Ann Miller

(Columbia, Sept. 30; time, 91 min.)

A fair musical, but it barely rises above program grade. There is nothing outstanding about it either in story or production values, yet it may get by with audiences who enjoy Latin-American music and dance numbers. The story, which takes place in Rio de Janeiro, has a few good comedy situations, with most of the laughs provoked by the methods Keenan Wynn employs to win Evelyn Keyes back as his wife. On the whole, however, the plot is quite thin, and the producers efforts to keep the action gay and breezy do not seem to click. There are no novel twists in the plot; it unfolds in a manner expected by the audiences. It has the usual quota of production numbers, featuring Ann Miller's tap dancing, Tito Guizar's singing, and a specialty dance number by Veloz and Yolanda. Enric Madriguera's orchestra furnishes the music:—

Wynn, producer of a musical revue in Rio de Janeiro, is still in love with Evelyn Keyes, his wife, a famous dance directress. When Evelyn arrives in town with Allyn Joslyn, her straight-laced prospective husband, to get Wynn's signature on her final divorce papers, he resorts to all sorts of tricks to win her back. But she refuses to fall for any of his schemes and eventually obtains his signature. Determined to keep her in town, Wynn arranges with Sid Tomack, a taxi driver with a flair for picking pockets, to steal Joslyn's wallet, which contained the divorce papers. The scheme works, causing Evelyn and Joslyn to delay their departure, but complications set in when Tomack, paid off for the theft with one of Wynn's checks, discovers that it was signed with disappearing ink. Peeved, he decides to retrieve the wallet. Wynn's attempt to stop him causes a fight in a night-club and lands every one concerned in jail. Wynn gains their release but continues his efforts to keep Evelyn in town. Meanwhile Joslyn becomes upset over the notoriety he had received after spending a night in jail. Wynn eventually gives up trying to win Evelyn's love, but by this time Evelyn discovers that she prefers his brashness to Joslyn's conservativeness and decides to remarry him.

Allen Rivkin, Harry Clark, and Devery Freeman wrote the screen play, Sidney Biddell produced it, and S. Sylvan Simon directed it. Unobjectionable morally.

"The Bachelor's Daughters" with Gail Russell, Ann Dvorak, Claire Trevor and Adolphe Menjou

(United Artists, Sept. 6; time, 89 min.)

A good comedy-drama; it should be enjoyed by all types of audiences. Revolving around four salesgirls, who put up a rich front in order to attract wealthy husbands, the story is a delightful and frequently charming mixture of romance, comedy, and pathos, which, despite the implausibilities of the novel plot, manages to be consistently appealing and entertaining. All the players perform well, but a choice characterization is contributed by Adolphe Menjou, as a penny-pinching, irritable store floorwalker, who reluctantly agrees to pose as the girls' father; his shrewd, tight-fisted methods provoke many laughs, but at the same time he endears himself to the audience by his display of genuine affection for the girls. Billie Burke, who poses as their mother, has a charming part. There is also some pleasant music, which is worked into the plot without retarding the action:—

Disturbed over the prospect of spending their old age in poverty and loneliness, such as Miss Burke, who had been pensioned off by the department store where they worked, Gail Russell, Ann Dvorak, Claire Trevor and Jane Wyatt decide to pool their resources and to move into a swanky Long Island home as a means of meeting prospective rich husbands. They induce Miss Burke to pose as their mother, and bribe Menjou into acting as their father to lend authenticity to their "family." Through clever scheming, and with Menjou's unexpected aid, Ann, who wanted to be a singer, obtains a contract from a wealthy producer; Gail starts a romance with wealthy John Whitney; and Jane marries Eugene List, son of the store owner, who forswears his father's millions in the hope of becoming a concert pianist. Only Claire does not fare so well; she takes an interest in a playboy (Damian O'Flynn), who believed in "friendship" not marriage. All continue to work at the store but manage to avoid detection by their wealthy friends. Complications arise when Gail, needing clothes to impress Whitney, whom she truly loved, borrows a mink coat from the store. Claire, jealous of Gail's romance, assumes that she was carrying on with a strange man, who had bought her the coat, and indicates as much to Whitney, causing him to break the engagement. Meanwhile Gail finds herself suspected of stealing the coat. Crushed by her troubles, she attempts suicide but is saved by Menjou and the now remorseful Claire. Menjou's clever manipulations square Gail's debt to the store and bring her together again with Whitney. It all ends with the "family" having a joyful reunion at Ann's Broadway debut, at which time Menjou announces that he had bought the swanky home and had married Miss Burke.

Andrew Stone produced and directed from his own original screenplay. The cast includes Russell Hicks and others.

"Her Sister's Secret" with Nancy Coleman, Margaret Lindsay and Philip Reed

(PRC, Sept. 23; time, 83 min.)

An emotional drama, with a strong appeal for women, because it is founded on mother love. The story's theme—that of an unwed mother who, after relinquishing her baby to another woman, makes a desperate attempt to recover the child, is not novel, but it has been handled with care and directed with intelligence. All the characters involved are pleasant, sympathetic people, and the entire cast performs creditably. Some of the situations are quite moving, and a number of them tear at one's heartstrings. It is the type of story that, despite its lack of action, keeps one interested throughout. The production values are above average:—

Nancy Coleman and Philip Reed, a soldier on leave, meet and fall in love on Mardi Gras night in New Orleans and, after spending the night together, arrange to meet again on his next furlough to be married. On the day of the meeting, Reed is shipped overseas and his special delivery letter to Nancy, informing her of his inability to meet her, goes astray. Believing that Reed had forsaken her, Nancy visits Margaret Lindsay, her sister, and informs her that she was expecting a child. Margaret, a childless matron, whose husband (Regis Toomey) was a naval officer at sea, pleads with her to have the baby under circumstances that would lead even her husband to believe that the child was hers. They carry through the plan by going to a secluded ranch, where both were unknown. After Nancy's son is born, Margaret takes the baby to New York with the understanding that Nancy would not attempt to see the

child for three years. She keeps Nancy informed of the baby's progress but her letters serve only to increase Nancy's desire for the return of her son. No longer able to contain herself, Nancy, after two years, goes to New York secretly to watch her child while he plays in the park. Meanwhile Reed, back from overseas, traces Nancy to New York and visits Margaret to learn of her whereabouts. Margaret, surprised to learn that Nancy was in town, promises to communicate with him. Nancy finally shows up at Margaret's apartment and makes a desperate attempt to recover the child, despite Margaret's tearful protestations. When she learns that Reed was searching for her, she concludes that the baby would be happier with Margaret. She leaves him with his foster parents and looks forward to a new life with Reed.

Anne Green wrote the screen play, based on the novel "Dark Angel," by Gina Kaus. Henry Brash produced it, and Edgar G. Ulmer directed it. The cast includes Henry Stephenson, Fritz Feld, Felix Bressart, George Meeker and others.

Adult entertainment.

"Cloak and Dagger" with Gary Cooper and Lilli Palmer

(Warner Bros., Sept. 28; time, 106 min.)

A well produced, intelligently directed espionage melodrama. Its story, which deals with the adventures of an OSS operative in Europe during the war is not particularly novel; but this fact will, no doubt, be overlooked by the audience, for the excitement is kept at a high pitch. It holds one in suspense throughout because of the constant danger to the hero and heroine. In addition to the thrilling action, there is also an appealing romance between Gary Cooper, as the American agent, and Lilli Palmer, as an Italian partisan. Miss Palmer, who makes her American debut in this film, is a fine actress. Cooper turns in a first-rate performance; his encounters with the enemy and the daring chances he takes result in situations that are outstanding in their exciting nature. One such hair-raising situation is where he tangles silently in a fight to death with an enemy agent. Cooper's popularity, as well as the fact that it is a powerful melodrama, should make this picture an outstanding box-office attraction:—

Cooper, a Midwestern professor of physics and an expert in nuclear fission, is drafted by the Office of Strategic Services to go to Europe to learn of the progress the Nazis were making in the development of an atomic weapon. He is sent to Switzerland to contact Helene Thimig, an eminent woman scientist recently escaped from Germany, where she had been working against her will in atomic research. He learns from her that Vladimir Sokoloff, a famous Italian scientist, was being forced to do similar work in Italy. Before Cooper can obtain complete information from Miss Thimig about her experiments, Nazi agents kidnap and kill her. Realizing that his only hope of obtaining the Nazis' atomic secrets was through Sokoloff, Cooper, aided by a trio of Italian partisans, including Dan Seymour, Robert Alda, and Lilli Palmer, makes his way into Nazi-occupied Italy, determined to rescue the aged scientist. He manages to see Sokoloff by masquerading as a German professor, and finds the scientist bound to his work by a fear that his daughter, whom the Germans held captive, would be harmed. Cooper devises a daring plan whereby Alda and Seymour would rescue Sokoloff's daughter, while he and Lilli spirit the scientist away from the Nazis. All arrange to meet at a farmhouse adjoining a partisan airfield, where a plane would take them out of the country. In the next few days, Lilli and Cooper live through a series of dangers involving the secret police before they succeed in freeing Sokoloff. Meanwhile they fall in love. When all meet at the farmhouse, they discover that the girl they had rescued was not Sokoloff's daughter but a Nazi agent who had led them into a trap. Nazi soldiers surround the house and a fierce gunfight ensues. Alda, aware that they were outnumbered, orders Cooper to make his escape with Lilli and Sokoloff while he held the attackers at bay. All three make their way to the airfield through a secret passage. Cooper pleads with Lilli to join him on the trip to England, but she declines because of her important work. He leaves her with a promise to return after the war.

Albert Matz and Ring Lardner, Jr. wrote the screen play from an original story by Boris Ingster and John Larkin. Milton Sperling produced it, and Fritz Lang directed it. The cast includes J. Edward Bromberg, Marc Lawrence and others.

Unobjectionable morally.

evidence or by inferences from established facts; and that conspiracies are seldom capable of proof by direct testimony and may be inferred from the things actually done." In some instances a plaintiff claimed that the distributors acted uniformly, either by agreement or understanding among themselves, and that, having full knowledge of the facts, by their concert of action they participated in a plan leading to restraint of trade or monopoly. In denying conspiracy the distributors frequently asserted that even though they may have acted in a substantially identical manner, each distributor reached its own decision independently, with no knowledge of what other distributors were doing or of any scheme or design to restrain or monopolize interstate commerce.⁴²

In the *Interstate Case*, where, however, the facts were not in dispute, the United States District Court in Texas and the Supreme Court clarified the law of conspiracy as it related to the motion picture industry. In no uncertain language the nation's highest tribunal declared that it was not necessary to prove a formal agreement, and that "acceptance by competitors, without previous agreement, of an invitation to participate in a plan, the necessary consequence of which, if carried out, is restraint of interstate commerce, is sufficient to establish an unlawful conspiracy under the Sherman Act."

Another forward step was taken in the *Goldman Case*.⁴³ There, it will be remembered, the plaintiff claimed that Warner had a monopoly of first run exhibition in Philadelphia, and that the major distributors had conspired with it to refuse to sell the plaintiff any first-run films. In holding that Warner maintained its monopolistic position not alone from ownership of theatres but also as a result of "concert of action of the distributors," each of which knew that every other distributor was licensing its product first run to the Warner subsidiary, the Court declared:

"... We think there must have been some form of informal understanding. The axiom is ancient that the deed speaks for itself and that man intends the probable consequences of his act. Here, the conclusion is justified that defendants acted in concert in excluding plaintiff. . . ."

"The picture of conspiracy as a meeting by twilight of a trio of sinister persons with pointed hats close together belongs to a darker age."

"... Uniform participation by competitors in a particular system of doing business where each is aware of the other's activities, the effect of which is restraint of interstate commerce, is sufficient to establish an unlawful conspiracy under the statutes before us. In the case at bar it is necessary to conclude that plaintiff has sustained its charges, as each of the distributor defendants knew that its refusal to lease pictures to plaintiff, together with the refusal of all, would result in the creation of an illegal monopoly in the business of exhibiting first-run pictures in Philadelphia by Warner Brothers. . . ."

The Statutory Court carried the doctrine expressed in these decisions to its logical conclusion. Disregarding the denials of conspiracy by representatives of the defendants and the "testimony of interested witnesses that one distributor does not know what another distributor is doing," the Court had little difficulty in finding the existence of a conspiracy relating to admission prices, run and clearance. In language already quoted or referred to in these articles the Court pointed to the contents of franchises and other documents and the testimony of leading representatives of the defendants. In emphatic words they declared that there could be "no reasonable inference that the defendants are not planning to fix minimum prices . . .;" that "The whole system presupposed a fixing of prices by all concerned in all competitive areas"; that there was "a national system to fix prices"; and that an effective system of price control had been created in which the parties knowingly participated.

After summarizing at length the testimony of various representatives of the defendants in regard to clearance, the Court determined that the distributor-defendants had acted in concert in the formation of a uniform system of clearance, and that the exhibitor-defendants had assisted in creating and maintaining the system, in violation of the anti-trust laws.

From the decision it is clear that in actions against the major companies conspiracy to violate the anti-trust laws will be inferred, notwithstanding the denials of representatives of these defendants, by proof of simultaneous action with a common purpose; by knowledge of existing trade practices; by the existence of a uniform trade structure; and by tacit participation in a system of doing business in violation of law. Any doubt in this respect has been laid at rest by the decision of the Statutory Court.

The decision is therefore a precedent of incalculable value to persons asserting claims of conspiracy against the major companies.

⁴² *United States v. Paramount Famous Lasky Corporation*, (D.C. S.D. N.Y.) 34 F. (2d) 984; *Paramount Famous Lasky Corporation v. United States*, 282 U.S. 30.

⁴³ *United States v. First National Pictures, Inc.*, 282 U.S. 44.

⁴⁴ *Perelman v. Warner Bros. Pictures, Inc.*, (D.C. Pa.) 9 F. Supp. 729; *Vitagraph, Inc. v. Perelman*, (C.C.A. 3) 95 F. (2d) 729; *United States v. Interstate Circuit, Inc.*, (D.C. N.D. Tex.) 20 F. Supp. 868; *Interstate Circuit, Inc. v. United States*, 306 U.S. 208.

⁴⁵ *Youngclaus v. Omaha Film Board of Trade*, (D. C. Neb.) 60 F. (2d) 538. See also *First National Pictures, Inc. v. Robison* (C.C.A. 9) 72 F. (2d) 37.

⁴⁶ See *Peckskill Theatre, Inc. v. Advance Theatrical Co.*, 206 App. Div. 138, 200 N.Y.S. 726; *Paramount Famous Lasky Corporation v. Stinnett* (Tex.) 17 S.W. (2d) 125. The decisions on these topics prior to 1936 are discussed by the writer in the articles already mentioned in HARRISON'S REPORTS of April 18 to June 27, 1936, under the title "Anti-Trust Litigation in the Motion Picture Industry." Some of the findings of District Courts were in favor of the defendants; many of the decisions are not officially reported and are mentioned only in trade publications; and many of the suits alleging violations of the anti-trust laws never went to trial.

⁴⁷ *Interstate Circuit, Inc. v. United States*, 306 U.S. 208. *United States v. Crescent Amusement Company*, 323 U.S. 173. *Goldman Theatres, Inc. v. Loew's, Inc.* 150 F. 2d 738. *United States v. Schine Chain Theatres, Inc.* (D.C.W.D.N.Y.) 63 F. Supp. 229.

⁴⁸ See, for example, *Schubert Theatre Players Co. v. Metro-Goldwyn-Mayer Distributing Corporation*, (D.C.Minn.) January 30, 1936, unreported *Colomal Theatrical Enterprises, Inc. v. Cooperative Theatres of Michigan, Inc.* (D.C.E.D.Mich.S.D.), opinion and decree of Moinet, D.J., reported in *Motion Picture Herald*, April 18, 1936; *Rolsky v. Fox Mid-West Theatres, Inc.* (D.C.W.D.Mo. W.D.) Eq. No. 2814.

⁴⁹ *Binderup v. Pathe Exchange, Inc.*, 263 U.S. 291.

⁵⁰ *Westway Theatre, Inc. v. Twentieth Century-Fox Film Corporation*, (D.C. Md.) 30 F. Supp. 830; (C.C.A. 4) 113 F. Supp. 932. *Gary Theatre Co. v. Columbia Pictures Corporation*, (D.C. N.D. Ill. E.D.) (C.C.A. 7), 120 F. (2d) 891.

⁵¹ See the decisions cited and quoted in HARRISON'S REPORTS, June 13, 1936, particularly the quotation from the charge of Judge Moore to the jury in the so-called *St. Louis Case*, *United States v. Warner Bros. Pictures, Inc., et al.*, (D.C. E.D. Mo.) 1936. (Ed. note. This charge was printed in full in pamphlet form by HARRISON'S REPORTS in 1936, with a preface by the editor of this magazine and a foreword by the present writer.)

⁵² Reliance was placed upon these assertions by the courts in the *Westway Theatre Case* and the *Gary Theatre Case*, already cited.

⁵³ *William Goldman Theatres, Inc. v. Loew's, Inc.*, (C.C.A. 3) 150 F. (2d) 738. The findings of conspiracy in the *Crescent*, *Schine* and *Jackson Park Cases*, already cited in this article, are not overlooked; but in those cases the findings were made by the trial court or jury without any important discussion of the law of conspiracy.

"Blondie Knows Best" with Arthur Lake and Penny Singleton

(Columbia, no release date set; time, 70 min.)

A fair program domestic comedy. It is more or less a carbon copy of the previous pictures in the "Blondie" series, but if those pictures have proved acceptable to your patrons, this one, too, should amuse them. The story is a reshuffle of the familiar doings of the "Bumsteads," with Arthur Lake, as "Dagwood," getting himself into all sorts of complications with both his wife and his boss, because of his sappiness. For comedy, the usual slapstick antics are resorted to, such as Lake dashing out of his house and colliding with some one. Considerable laughter is provoked by Shemp Howard, as a near-sighted process server.

This time Lake's troubles begin when he damages the car of a next-door neighbor and is sued for \$500. His wife goads him into asking his boss (Jonathan Hale) for a bonus to pay the suit. Hale agrees, provided Lake impersonates him in an important business deal, but Lake makes such a mess of the impersonation that he ruins the deal and loses his job. His troubles are resolved, however, when two scientists, experimenting with a truth serum, select him as a subject because of his simple-mindedness and pay him \$500 to submit to an injection of the serum. His inability to tell a lie causes him to reveal the truth about the impersonation and results in his company being granted a profitable contract. Hale, delighted, reemploys Lake and grants him the bonus.

Edward Bernds and Al Martin wrote the screen play, Burt Kelly produced it, and Abby Berlin directed it. Unobjectionable morally.

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A Legal Analysis of the Statutory Court's Decision—No. 7

By George S. Ryan

Conspiracy and Monopolizing (cont'd)

(b) MONOPOLIZING

In view of the Government's demand for divestiture of interests in theatres by the defendant producers and distributors—what has been generally referred to as "divorcement" of theatre operation from production and distribution—the most important single issue before the Expediting Court was whether the five principal defendants, or any of them, had monopolized or attempted to monopolize, or had conspired to monopolize, any part of interstate trade or commerce. A parallel question was whether any production-distribution-exhibition unit was in itself a combination in restraint of trade. If it were, then a proper remedy was, according to precedents long established in the anti-trust laws, dissolution of the combination.

Significantly, however, the Statutory Court made few explicit findings on the issue of monopolizing; and they gave no specific indication whether or not they considered any defendant a combination in restraint of trade. They found that "It is only in certain localities, and not in general, that an ownership even of first run theatres approximating monopoly exists," and pointed out that the aggregate interests of the defendants constituted little more than one-sixth of all the theatres in the country. The obvious inference, therefore, is that neither an individual defendant nor all the defendants combined have attained a national monopoly of exhibition.

In support of their refusal to order divestiture of theatres the Statutory Court reasoned:

"Moreover, there is no substantial proof that any of the corporate defendants was organized or has been maintained for the purpose of achieving a national monopoly. . . ."

"If in certain localities there is ownership by a single defendant of all the first-run theatres, there is no sufficient proof that it has been for the purpose of creating a monopoly and has not rather arisen from the inertness of competitors, their lack of financial ability to build theatres comparable to those of the defendants, or from the preference of the public for the best equipped houses and not from 'inherent vice' on the part of these defendants. Each defendant had a right to build and to own theatres and to exhibit pictures in them, and it takes greater proof than that each of them possessed great financial strength, many theatres, and exhibited the greater number of first-runs to deprive it of the ordinary rights of ownership. . . ."

"There is no evidence that in a city such as Cincinnati, in which a major defendant owns all of the first-run theatres, other exhibitors, affiliated or unaffiliated, have been prevented from also owning theatres for exhibition on first-run and there consequently is no monopoly in the legal sense. . . ."

An analysis of these views requires a consideration of the constituent elements of monopolizing, as the word is used in the anti-trust laws. In HARRISON'S REPORTS of May 23, 1936, in discussing this subject under the subtitle "Monopoly of Product," the writer said:⁴⁴

"Monopoly is control.⁴⁵ It is defined as 'the suppression of competition by unification of interest or management, or

it may be through agreement and concert of action.'⁴⁶ 'It is the exclusion of others from the opportunity of doing business that is regarded as monopolizing.'⁴⁷

"To violate the statute it is not necessary that a complete monopoly should be established. 'It is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition'.⁴⁸

It is to be observed that the statute applies, not only to nation-wide, but to restricted, monopolies—it prohibits the monopolizing or attempting to monopolize "any part" of interstate commerce. This "includes any portion of the United States and any one of the classes of things forming a part of interstate or foreign commerce."⁴⁹ Consequently it has been held that the statute is violated by a monopoly "limited to a narrow territory,"⁵⁰ such as the New England States,⁵¹ a number of ports on the Great Lakes,⁵² a section of a state,⁵³ or even a single city.⁵⁴

Usually the crime of monopolizing has been established by proof of oppression of customers or of predatory acts directed against competitors, generally with the intention of eliminating their competition. These acts, and agreements having the same purpose, may be referred to as "monopolistic practices." They indicate an intention to monopolize by excluding competitors and securing absolute control of the field.

In the motion picture industry the principle that a monopoly may be inferred from acts of aggression constituting monopolistic practices has been applied in several cases.⁵⁵

In the *Crescent Case* the Supreme Court stated that "The crux of the Government's case was the use of the buying power of the combination for the purpose of eliminating competition with the exhibitors and acquiring a monopoly in the areas in question"; that there was "ample evidence" that the combination used its power for the purpose of restricting or eliminating competition; that "The same type of warfare was waged with franchise contracts," which generally gave the defendant exhibitors first run with clearance; that the business of subsequent run exhibitors was curtailed by repeat provisions giving the defendant exhibitors the option of showing the pictures a second time; that the plan was to crush competition and build a circuit. They also said:

". . . The showing of motion pictures is of course a local affair. But action by a combination of exhibitors to obtain an agreement with a distributor whereby commerce with a competing exhibitor is suppressed or restrained is a conspiracy in restraint of trade and a conspiracy to monopolize a part of the trade or commerce among the states, each of which is prohibited by the Sherman Act. . . ."

". . . The growth of this combine has been the result of predatory practices condemned by the Sherman Act. The object of the conspiracy was the destruction or absorption of competitors. . . ."

In sustaining the order of the District Court for the divestiture of interests in theatres, the Supreme Court said in part:

". . . Dissolution of the combination will be ordered where the creation of the combination is itself the violation. . . .

(Continued on last page)

"The Missing Lady" with Kane Richmond and Barbara Reed

(Monogram, Aug. 17; time, 60 min.)

Like the previous pictures in the "Shadow" series, this one is just a minor program mystery melodrama, handicapped by a story that is so far-fetched and confusing that one loses interest in the proceedings long before the outcome. Considerable stress is placed on the comedy, but most of this is so forced and so inept that it is more boring than amusing. The best thing that can be said for it is that on occasion the action is exciting, but it is not enough to sustain one's interest. The players do their best, but they are up against such poor material that their struggle is a hopeless one:—

Investigating the murder of an art dealer and the theft of a \$250,000 jade statuette, Kane Richmond, an amateur detective, known to the police only as the Shadow, visits a "flophouse." There he is attacked by Jack Overman, a hoodlum, but overpowers him, at the same time rescuing from one of Overman's henchmen, James Cardwell, who, too, had a mysterious interest in locating the missing statuette. In the course of events, a crooked art dealer seeking the statuette is murdered under circumstances that cast suspicion on Richmond. James Flavin, the detective chief, who resented Richmond's interference in the case, puts him behind bars, but Police Commissioner Pierre Watkin, Richmond's uncle, frees him for lack of evidence. Another murder occurs before Richmond finds a clue that leads him to the studio of George Lewis, an artist, whose apartment had been searched by a number of suspects involved in the crime. There, after arranging for the different suspects to be assembled together, Richmond succeeds in finding the missing statuette, which contained a fortune in jewels, and in capturing those responsible for the three murders. When Richmond turns the murderers and the statuette over to the police, Cardwell, who reveals himself as an insurance investigator, gives him a reward, which he turns over to the police fund.

George Callahan wrote the original screen play, Joe Kaufman produced it, and Phil Karlson directed it. The cast includes George Chandler, Dorothea Kent and others. Unobjectionable morally.

"Crime Doctor's Man Hunt" with Warner Baxter and Ellen Drew

(Columbia, no release date set; time, 61 min.)

This program murder-mystery melodrama should prove acceptable fare for non-discriminating followers of this type of entertainment, but those who demand some finesse in picture-making will probably find it quite ordinary. Although the audience is led to believe that the heroine's sister had committed the murders, movie-wise patrons will have little trouble guessing early in the proceedings that the heroine herself is the murderess, because her disguise (blonde wig and glasses) is not very deceiving. The story itself is far-fetched, developed in a routine manner, and never leads up to any real excitement. Warner Baxter, who reenacts his role as "Dr. Ordway," the detective-psychiatrist, gives his usual competent performance, as does William Frawley, as the police chief. The comedy relief is slight, and there is no romantic interest:—

Myron Healy, a returned veteran, visits Baxter and informs him that he was in fear of his life because of a strange desire to frequent places inhabited by underworld characters. In an effort to understand Healy's strange fear, Baxter visits the slums and comes upon two men carrying Healy's corpse between them. Both men succeed in making their getaway with the body and, when Baxter reports the incident to police chief Frawley, his story is scoffed at. Baxter decides to investigate the crime alone. He reconstructs Healy's background and learns that he was engaged to Ellen Drew, member of a wealthy family. He discovers

also circumstantial evidence indicating that Ellen's long-missing sister was an accomplice of the two men seen with Healy's body, and that she was the murderess. Ellen agrees to help Baxter track down her suspected sister and accompanies her to a deserted house, where Healy's body had been found. There Baxter finds a woman's glove and asks Ellen to telephone the police. While Ellen is gone, her missing sister appears, revolver in hand, and threatens to shoot Baxter, but police chief Frawley, hiding in the shadows, disarms her. Baxter steps up to the woman, removes her blonde wig, and unmasks her as Ellen. He explains that he had suspected her disguise and had tricked her into coming to the deserted house to give her an opportunity to kill him and thus incriminate herself. He explains also that a form of insanity had prompted her to take on the personality of her missing sister and to kill Healy, because she feared that his insistence that she consult a psychiatrist would cause her to be confined to an asylum.

Leigh Brackett wrote the screen play from a story by Eric Taylor, Rudolph C. Flothow produced it, and William Castle directed it. The cast includes Frank Sully, Claire Carleton and others.

Unobjectionable morally.

"It's Great To Be Young" with Leslie Brooks and Jimmy Lloyd

(Columbia, Sept. 12; time, 68 min.)

A minor program comedy, with music, produced on a shoestring. It might get by with those who are satisfied easily by a few "jive" tunes, none of which they will remember after leaving the theatre, but most patrons will probably find it pretty tiresome, for its story about youngsters who try to break into show business is extremely trite, and it drags during most of its unfolding. There is little about it that one can recommend. For one thing, not one of the players means anything at the box-office. For another, what is supposed to pass as comedy is just plain silliness. The picture's one bright spot is Jack Fina's piano playing but it is not enough to save it from being the dull entertainment that it is:—

Shortly after their return from overseas, Bob Stanton and Jack Williams accompany their buddy, Jimmy Lloyd, to a mountain resort, where Lloyd claimed to have secured an engagement for them as entertainers. En route in their car, they give a lift to Leslie Brooks, who, too, sought a career in show business. They are greeted at the resort by Frank Orth, the hotel owner, henpecked husband of Ann Codee, who had little use for show folks. Because Miss Codee would not permit her husband to employ more than one entertainer, Lloyd's friends are compelled to take jobs in the hotel to pay for their keep. The newcomers begin rehearsals of their show, aided by Jeff Donnell and Pat Yankee, Miss Codee's daughters. Meanwhile a romance started between Leslie and Lloyd travels a rocky road because of her refusal to disclose her identity and background. This situation becomes further complicated when Leslie, in an effort to please Miss Codee, is compelled to be nice to Grady Sutton, her pompous cousin. When Lloyd meets Frank Sully, a private detective, searching for a girl answering Leslie's description, he gets him drunk to learn why he is searching for her. Sully intimates that she was the daughter of Pierre Watkin, a famous Broadway producer, who was against her having a stage career. Lloyd, jealous of Leslie's romancing with Sutton, wires Watkin of her whereabouts. The producer arrives at the resort on the night the youngsters put on their gala show, and it all ends with his agreeing to a stage career for Leslie, while she and Lloyd fall into each other's arms.

Jack Henley wrote the screen play from a story by Karen De Wolf, Ted Richmond produced it, and Del Lord directed it. The cast includes Milton Delugg and his band.

Unobjectionable morally.

"Decoy" with Jean Gillie and Edward Norris

(Monogram, Sept. 14; time, 76 min.)

For a melodrama of its type it is interesting, but it is certainly not for the family circle or for squeamish adults. All the leading characters are unsympathetic, particularly the heroine, or rather the murderess, who is presented as a cruel, ruthless woman, one who would stop at nothing, including cold-blooded murders, to satisfy her lust for money. It is an unpleasant entertainment, filled with ugly situations, for there is one killing after another. And the audience is not made aware of these killings by suggestion; it is shown clearly how the heartless leading lady commits each one. As a matter of fact, the picture stands in a class by itself as a lesson in varied types of murders. Suspense is well sustained throughout because of the murderous nature of the heroine, and because one does not know which of her accomplices will meet with his death next. Jean Gillie, an English actress and newcomer to the American screen, does well with her unsympathetic role:—

Suffering from a fatal gunshot wound, Dr. Herbert Rudley goes to Jean's apartment and kills her before dying himself. Detective Sheldon Leonard arrives on the scene and, as Jean lays dying, she recounts the events that led to her shooting, after she had ensnared three men and had caused their deaths. Robert Armstrong, her boy-friend, had hidden \$400,000 taken in a bank robbery, but had been caught and sentenced to the gas chamber for killing a guard. Pretending love for gangster Edward Norris, Jean, promising to share the hidden loot with him, had induced him to engineer the removal of Armstrong's body from prison immediately after he had been put to death. Meanwhile she had used her womanly wiles on Rudley, the prison doctor, to get him to administer to Armstrong an antidote for gas poisoning to bring him back to life. When Armstrong had been revived, he had given Jean half of a map showing the location of the hidden money, but Norris had shot him down and had obtained the other half. Both she and Norris had forced Rudley to drive them to the hiding place because the doctor's license plates on his car had enabled them to get through police road blockades. Before Norris could carry through a plan to murder Rudley, Jean, who wanted all the money for herself, had tricked him (Norris) into fixing a flat tire and had run him down with the car, killing him. She then had forced Rudley to dig up the treasure, after which she had shot him. As Jean finishes her story, she dies. Leonard breaks open the treasure box and finds in it a single dollar bill, with a bitter note from Armstrong, stating that he would leave no money to a double-crosser.

Ned Young wrote the screen play from an original story by Stanley Rubin, Jack Bernhard and Bernard Brandt produced it, and Mr. Bernhard directed it. The cast includes Marjorie Woodworth, Phil Van Zandt and others.

Adult entertainment.

"Angel On My Shoulder" with Paul Muni, Anne Baxter and Claude Rains

(United Artists, Sept. 20; time, 101 min.)

Very Good. In substance and in entertainment values, "Angel On My Shoulder" draws comparison with "Here Comes Mr. Jordan." And it is easy to understand why, for both stories have been written by the same author—Harry Segall. Yet, despite the similarity of the plot's construction, its developments are as fresh and ingenious as the other picture, and its combination of fantasy, comedy, drama and romance is consistently entertaining. As in the "Jordan" picture, the hero meets sudden death and his soul is brought back to Earth and joined with the body of another man, but this time the hero, instead of descending from Heaven under the guidance of an Angel, ascends from Hell, guided and controlled by the Devil. The comedy stems from the

fact that the hero, a vicious gangster, has his soul merged with the body of a respected jurist, a candidate for governor. Paul Muni, as the gangster, is excellent, and Claude Rains, as the Devil, does a fine bit of acting. As a matter of fact, every one of the players does well. To enjoy the picture fully, one should see it from the beginning:—

Upon his release from prison, Muni is shot down by Hardie Albright, his chief lieutenant, and the next minute he finds himself walking through Hell. He resists the guards in an effort to break out of the place, and his bad behavior comes to the attention of the Devil, who notices that Muni had an exact resemblance to a Judge on Earth (also played by Muni), whose reformation of many criminals kept their souls out of his (the Devil's) domain. Concealing his identity, the Devil offers to help Muni break out of Hell and "to get" Albright if he would do a little "job" for him on Earth. Muni agrees. They rise in the midst of New York, invisible to those around them, and go to the Judge's apartment, where they find the good man sick in bed. The Devil fuses Muni's soul into the Judge's body. When he awakens, Muni, to all outward appearances, resembles the Judge, but his soul and brain remain that of the gangster's. Anne Baxter, the Judge's sweetheart and secretary, is confused and frightened by his rough mannerisms, as is George Cleveland, his life-long butler, but both tolerate him in the belief that he was having a breakdown from overwork. As part of his plan to discredit the Judge, the Devil arranges for Muni to make an incriminating speech at a political rally, but the scheme fails when hoodlums, hired by the opposition, started throwing vegetables as Muni begins to speak. Enraged, Muni puts the thugs to rout himself, thus making of himself a hero. Additional attempts by the Devil to discredit the Judge through Muni are foiled at the last moment by circumstances that add to his popularity. Meanwhile Muni finds himself deeply in love with Anne, who, still believing that he was the Judge, urges him to marry her at once. They enter a church just as the minister is rehearsing a sermon, the text of which makes Muni realize that his partner from Hell was the Devil himself, who would have no power over him as long as he (Muni) kept on doing good instead of evil. Completely regenerated, Muni cancels the wedding and mocks the Devil. A battle of wits ensues between them, with the Devil bringing Muni face to face with Albright in the hope that he would kill his murderer and thus come under his control once again. Muni, however, restrains his impulses, and Albright, frightened by the sight of Muni, is accidentally killed. The Devil finds it embarrassing to return to Hell without Muni, lest his organization learn that he had been defeated. Realizing the Devil's predicament, Muni makes a deal to return with him by compelling him to promise that he would never again molest Anne and the Judge. As Muni's soul leaves the Judge's body, the good man and Anne are joyfully reunited. Muni's soul joins the devil on the trip back to Hell, threatening to blackmail him unless granted special privileges.

Mr. Segall and Roland Kibbee wrote the screen play, Charles R. Rogers produced it, and Archie Mayo directed it. The cast includes Onslow Stevens, Jonathan Hale and many others.

Unobjectionable morally.

(Continued from back page)

control, they have the power to exclude, they have exercised the power and they have by all this violated the provisions of the Sherman Act."

In the *Aluminum Company Case* it appeared that early in its career the defendant had a lawful patent monopoly for the production of ingot. Upon the expiration of its patent rights, however, it embraced opportunities offered to it to fortify itself against competition and to exclude potential competition, and at the time of the trial had control of approximately 90 per cent of the ingot market. Reversing the judgment of the District Court, the Circuit Court of Appeals ruled that it had both the power and the intent to monopolize, and that, even in the absence of unlawful trade practices, it had violated the law.

⁵⁸ *American Tobacco Company v. United States*, Supreme Court, June 10, 1946; affirming (C.C.A. 6) 147 F. (2d) 93 (1944).

Those who violate the Act may not reap the benefits of their violations and avoid an undoing of their unlawful project on the plea of hardship or inconvenience. That principle is adequate here to justify divestiture of all interests in some of the affiliates since their acquisition was part of the fruits of the conspiracy. . . ."

In the *Schine Case*, after pointing out the unusually rapid growth and the great power of the defendants, Judge Knight stated the contention of the Government that the defendants had violated the Sherman Act by the use of their "great buying power to suppress competition by bringing about various restrictions on the competitors' ability to compete," resulting in the elimination of competition; "that this suppression has been brought about in various ways," such as depriving a competitor of product, acquiring theatres by threats to buy or build or by agreements to employ the competing exhibitors, and by unreasonable clearance.

The Court concluded that the defendants had violated the law. They have maintained an unlawful combination by which they have unreasonably restrained interstate commerce. They have monopolized "the business of operating theatres and the supplying of major films in various cities and towns;" and each major distributor has aided and abetted them in restraining trade and monopolizing theatre operations. The defendants, by their great film buying power, have exerted pressure on the distributors to obtain privileges. And, in the language of the District Court:

"The means and methods employed by the different defendant corporations through their officers and authorized representatives to obtain a 'monopolistic' control were numerous. Principally among these were arbitrarily depriving independents of first and second run pictures, securing unreasonable clearances, making threats to build or open closed theatres to prevent construction or operation by independents, lowering admission prices, obtaining rental concessions, restricting independents who sold to Schine as to periods and places of operation, making long time franchise agreements covering the 'Circuit.'"

In some situations Schine "was arbitrarily able to keep independents from opening a theatre in the town with suitable run of the product." In several towns Schine cut admission prices and in others gave out cut-rate tickets. In agreements for the purchase of theatres the covenants preventing competition by the independents were unreasonably restrictive as to time and area. Franchises gave Schine unusual benefits and were utilized as means of restraint. Its great buying power enabled it to obtain special privileges or concessions not obtainable by independents. It secured contracts providing for lower admission prices than those of independent subsequent runs.

In ordering a far-reaching injunction and in decreeing the dissolution of the combination the Court reasoned:

"The motion picture business in production, distribution and exhibition has come to be a leading industry in this country. The producer-distributors and chains of exhibitors occupy positions from which 'monopolization' is easily brought about. . . . Fair competition should benefit the public, but 'monopolization' when exercised by a strong wide-reaching organization or group of affiliated organizations crushes or weakens opposition, eliminates fair competition to the disadvantage of the public and the individual competitor."

In the *White Bear Case*, which was an action for damages against a theatre operating corporation and some of its officers, the Court held that overbuying first run films, not to secure a sufficient supply for the legitimate conduct of the defendant's business, but to prevent them from being available to the plaintiff, with the intention of driving it out of business, constituted a conspiracy and an attempt to monopolize, in violation of the anti-trust laws.

The essential similarity of many of the facts cited in these important opinions to many of the facts found by the Expediting Court are obvious. Later, in considering the remedy ordered by that Court, there will be further comment upon this similarity and also upon an important difference in the findings.

But evidence of monopolistic practices is not invariably an essential to the proof of the existence of a monopoly. For a long time it has been the law that a monopoly may be created by the acquisition of great wealth and power for deliberately calculated purposes of control, resulting in the elimination of competition.⁶⁶

In recent years it has been decided by courts of eminent authority that the intentional acquisition and exercise of monopolistic power to eliminate competition, even without predatory practices directed toward the destruction of competitors, constitutes a monopoly within the scope of the anti-trust laws.⁶⁷ And the Supreme Court ruled the day before the decision of the Statutory Court, that a combination or conspiracy to acquire or maintain the power to exclude competitors was illegal, and that, neither the actual exercise of the power, nor the actual exclusion of competitors, was necessary to the crime of monopolization.⁶⁸

In considering the remedy granted by the Expediting Court, which is the next subject of discussion in this paper, it is necessary to keep these principles of the law of monopolizing firmly in mind.

⁶⁶At the commencement of the discussion of this topic is the following:

"What has been the effect upon competition in the industry of the consolidation of corporations producing and distributing films and operating theatres? The possession of strength is a temptation to use it; power may be dangerous, when directed by ignorance, ambition or greed. Generally the result has been to give producer-owned theatres a substantial monopoly of major films, to the exclusion of independent exhibitors. Almost invariably they have secured the films first run, with long periods of protection. In some instances, however, they have insisted upon the exclusive right to exhibit the films in their respective localities, and, less frequently, they have bought or reserved, or engrossed, a number of films they were unable to use."

⁶⁷*Hood Rubber Co. v. United States Rubber Co.*, 229 Fed. 585.

⁶⁸*National Cotton Oil Co. v. Texas*, 197, U.S. 115.

⁶⁹*National Biscuit Co. v. Federal Trade Commission*, 229 Fed. 733, 738.

⁷⁰*United States v. E. C. Knight Co.*, 156 U.S. 1, 16. *Northern Securities Co. v. United States*, 193 U.S. 197.

⁷¹*Standard Oil Co. v. United States*, 221 U.S. 1, 61.

⁷²*Bigelow v. Calumet & Hecla Co.*, 167 F. 704, 716.

⁷³*Ballard Oil Terminal Corp. v. Mexican Petroleum Corp.* (C.C.A. 1) 28 F. (2d) 91, 99.

⁷⁴*United States v. Great Lakes Towing Company*, 208 F. 733, 743.

⁷⁵*Montague v. Lowry*, 193 U.S. 38.

⁷⁶*United States v. Brims*, 272 U.S. 549; *White Bear Theatre Corporation v. State Theatre Corp.* (C.C.A. 8) 129 F. (2d) 600; *Mid-West Theatre Co. v. Co-operative Theatres* (D.C., E.D. Mich., S.D.) 43 F. Supp. 216; *Goldman Theatres, Inc. v. Loew's, Inc.* (C.C.A. 3) 150 F. 2d 738.

⁷⁷*United States v. Schine Chain Theatres, Inc.* (W.D.N.Y.) 63 F. Supp. 229; *United States v. Crescent Amusement Co.*, 323 U.S. 173; *White Bear Theatre Corp. v. State Theatre Corp.* (C.C.A. 8) 129 F. (2d) 600; *Mid-West Theatres Co. v. Co-operative Theatres*, (D.C., E.D. Mich., S.D.) 43 F. Supp. 216.

The existence of monopolistic practices was the basis of findings of monopolizing in the two Maine actions summarized in HARRISON'S REPORTS of November 20, 27 and December 4, 1943, under the title "Amazing Facts and Findings."

⁷⁸*Northern Securities Co. v. United States*, 193 U.S. 197. *United States v. Reading Co.*, 253 U.S. 26. *United States v. Lehigh Valley R.R. Co.*, 254 U.S. 255.

⁷⁹*United States v. Pullman Co.* (D.C., E.D., Pa.) 50 F. Supp. 123; (1943); *United States v. Aluminum Co.* (C.C.A. 2) 148 F. (2d) 416; (1945).

In the *Pullman Case*, for example, a three-judge Expediting Court found that the defendant had obtained an almost complete monopoly of the manufacture of sleeping cars and the furnishing of sleeping car service to the railroads throughout the country. From an early date in its history the defendant had the intention of eliminating what a stockholders' record called "useless competition." Before 1900 it had acquired every other sleeping car company in the country which had not gone out of business or been absorbed by companies subsequently acquired by it. In no instance, however, was the acquisition the result of predatory practices, and in many instances the negotiations were initiated by the seller. But it maintained its monopolistic position by devices which made successful competition practically impossible, such as exclusive dealing contracts with the railroads, the refusal to furnish sleeping car service except with cars owned by it, and the making of long-term contracts with staggered expiration dates. "As a competition killer," the Court said, "the long-term contract is an effective weapon." From its monopolistic position the defendant was able to dictate terms to its customers. It made a practice of securing sleeping cars only through its own manufacturing company. It had been able to prevent anyone else from entering the field. The Court concluded that, even though many of the acts and contracts were ordinarily within the defendant's rights, disassociated from any plan, it was the duty of the Court to look at the whole picture. "The sum total, it is clear, constitutes a complete domination by the defendants of a limited but important market. They have full

(Continued on inside page)

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A Legal Analysis of the Statutory Court's Decision—No. 8

By George S. Ryan

The Remedy

The remedy for the violations of law by the defendants is specified in the order for a decree subsequently to be made by the Court when final judgment is entered. After providing for the dismissal of all claims against any defendant as a producer, the order grants relief in several ways: (1) an injunction against the condemned practices; (2) the inauguration of a competitive bidding system for runs and clearance; (3) divestiture of interests in pooled theatres; and (4), so far as the parties consent, the arbitration of disputes.

"In order to secure compliance with the decree" the order also grants reasonable access by the Government to all books and papers of the defendants and a reasonable opportunity to interview their officers and employees. It specifies that proceedings under the decree shall be stayed pending appeal or for the purpose of enabling the parties to adjust their business without an unfair burden. It provides also for retention of jurisdiction in the Court for the construction and enforcement of the decree and for the punishment of any violations of it.

The last-mentioned provisions of the order are self-explanatory. Only the four numbered sections require comment here.

(1) INJUNCTIVE RELIEF

In a court of equity the time-honored remedy for a violation of property rights is an injunction to prohibit the continuance of the violation. In an action under the anti-trust laws by the Government the right to an injunction is specified in the Sherman Act itself.⁶⁹

The injunction to be contained in the decree runs against all the violations of the law by the defendants. These are enumerated in the first section of this paper,⁶⁹ and have already been commented upon in some detail.

The total extent of the prohibition will not be known until the final decree is actually entered. From the outline given in the order for the decree, however, it is clear that the injunction will effectually prevent a continuance of all the condemned practices.

In view of the findings of the Court, it is reasonably certain that in the event of an appeal by any defendant this section of the decree will be sustained by the Supreme Court.

(2) COMPETITIVE BIDDING

The provision to be made in the decree for the inauguration and maintenance of a competitive bidding system for run and clearance constitutes positive and affirmative relief, in contrast with the prohibitions of an injunction. In the motion picture industry, such a provision is at least novel, and, if not altered by the Supreme Court, will constitute a drastic change in the licensing practices of the industry.

The new bidding system was first proposed by the Court in the section of the decision relating to clearance and run. Thereafter it is mentioned in several ways and in varying language. Because of the extreme importance of this system

to all persons engaged in the industry, and because it is advisable, before arriving at any conclusions, to have clearly in mind all the views expressed by the Expediting Court and the factors that influenced their judgment, the language of the decision will be quoted or summarized at some length.

After mentioning the fixed system of clearances, runs and admission prices confronting both independent distributors and exhibitors, the Court said:

"... The only way competition may be introduced into the present system of fixed prices, clearances, and runs is to require a defendant when licensing its pictures to other exhibitors to make each picture available at a minimum fixed or percentage rental and (if clearance is desired) to grant a reasonable clearance and run. When so offered, the licensor shall grant the license for the desired run to the highest bidder if such bidder is responsible and has a theatre of a size, location, and equipment to present the picture to advantage. In other words, if two theatres are bidding and are fairly comparable the one offering the best terms shall receive the license. Thus price fixing among the licensors or between a licensor and its licensees as well as the non-competitive clearance system may be terminated, and the requirements of the Sherman Act, which the present system violates, will be adequately met. The administrative details involved in such changes require further consideration. We are satisfied that existing arrangements are in derogation of the rights of independent distributors, exhibitors and the public, and that the proposed changes will tend to benefit them all."

In considering the restraints caused by formula deals, master agreements and franchises, the Court declared:

"... In our opinion these restraints will be obviated or at least sufficiently mitigated by requiring a distributor wishing its pictures to be shown outside of its own theatres to offer to license each picture to all theatres desiring to show it on a particular run and, if the theatres are responsibly owned and otherwise adequate, to grant the desired run to the higher bidder."

In the opinion of the Court moveover runs and provisions for "overage and underage," to permit a circuit to apply a deficit in the playing time of one theatre to one or more other houses, are incompatible with the bidding system. But "extended" or "repeat" runs are not objectionable "if reasonably limited in time when other exhibitors are given the opportunity to bid for similar licenses." The Court also left the door open to revise any other practices that might interfere with the "effectiveness of the bidding system."

In the section of the decision relating to block booking the Court stated:

"... The distributor may of course not license his pictures at all, but if he does license them, he must do so severally and, in accordance with the bidding procedure previously indicated, must license them to the exhibitor or exhibitors who are qualified and offer the best terms for the various runs."

(Continued on last page)

"Nobody Lives Forever" with John Garfield and Geraldine Fitzgerald

(Warner Bros., Oct. 12; time, 100 min.)

A fairly good melodrama. Combining gangsterism with strong romantic appeal, it has an interesting story centering around a young racketeer, whose regeneration is brought about when he falls in love with his intended victim of a swindle scheme, a wealthy, attractive widow. Most of the drama and excitement is concentrated in the second half, where the hero realizes his love for the widow and is compelled to rescue her from his confederates, who had kidnapped her. The fact that the hero is a crook makes one feel unsympathetic towards him at first; but his eventual regeneration, as well as the fact that he risks his life to save the woman he loves, changes the spectator's feelings. The story is not particularly novel, nor are the characters, with the exception of the heroine, appealing. Yet it has been given a good production, and the acting by the leading players is so competent that one's attention is held well:—

Honorably discharged from the army, John Garfield, an ex-racketeer, aided by George Tobias, a former henchman, recovers \$50,000 from Faye Emerson, his unfaithful girlfriend. Both Garfield and Tobias head for the West Coast, where they meet Walter Brennan, an elderly confidence man, who informs them of a perfect "touch" involving Geraldine Fitzgerald, a wealthy widow. A scheme to swindle Geraldine had been hatched by George Coulouris, a broken-down "sharper," who was unable to carry out the scheme because of his financial inability to put up a front. Garfield agrees to handle the swindle personally, and to share the proceeds with Coulouris and his henchmen. Assuming the guise of an executive in a deep-sea salvage company, Garfield moves into an exclusive hotel where Geraldine lived. He manages to engineer a meeting with her and soon impresses Richard Gaines, her business manager, with the soundness of his company; Gaines expresses a desire to invest Geraldine's money in it. But Garfield, by this time in love with Geraldine, refuses to accept the investment and decides to get out of her life. He drops the swindle scheme and offers to pay Coulouris out of his own funds so that Geraldine would not be molested by him. Coulouris, however, suspecting that Garfield planned to pay him off as part of a scheme to gain Geraldine's great wealth for himself, rejects the payment. With the aid of his henchmen, he kidnaps Geraldine and holds her for a huge ransom. Brennan, unwilling to play a part in the kidnapping, helps Garfield to locate the hideout. He aids Garfield and Tobias as they storm the hideout and rescue Geraldine, but pays with his life in the ensuing battle. Geraldine, although fully aware of Garfield's background, looks forward to a new life with him.

W. R. Burnett wrote the original screen play, Robert Buckner produced it, and Jean Negulesco directed it.

Unobjectionable morally.

"Accomplice" with Richard Arlen and Veda Ann Borg

(PRC, Sept. 28; time, 66 min.)

Minor program fare, suitable for the lower half of a double bill. It is a murder-mystery melodrama, which, for the first few reels, holds one's attention very well, but in the second half so many complicating circumstances occur that the story becomes a hopeless muddle and causes the spectator to lose interest in the outcome. At best, the picture may appeal to such mystery-melodrama followers as are not too particular about story details. Discerning patrons, however, will probably find the melodramatic angle, particularly in the closing scenes, so poorly handled that the action will strike them as being more silly than exciting:—

Richard Arlen, a private detective, is engaged by Veda Ann Borg, his former sweetheart, to locate her missing husband (Edward Earle), a bank employee. Arlen soon discovers that Earle was a man of many extra-marital affairs and, during the investigation, a man answering Earle's description is found murdered on an isolated mink ranch. Veda accompanies Arlen to the scene of the crime and identifies the body as that of her missing husband. In the course of events, Arlen, because of his former association with Veda,

is suspected by the police of complicity in her husband's murder. Other events put Arlen on the trail of a mysterious brunette, one of the murdered man's numerous girl-friends. He learns that the woman was last seen heading towards the Mojave Desert in her car. Arlen follows her, and the chase finally brings him to a castle in the desert, where a crooked town marshal detains him by force. He manages to break out of his quarters and, in doing so, runs into Veda. Both barricade themselves on the roof of the castle to escape their attackers, one of whom turns out to be Veda's supposedly dead husband. Piecing together the different bits of information he had gathered, Arlen comes to the realization that Veda herself was the mysterious woman he had been trailing, and he discovers that she had conspired with her husband to have him declared dead as part of a scheme involving misappropriation of his bank's funds. In the ensuing gun battle, Veda is killed by one of her husband's badly aimed bullets before he is shot down by Arlen.

Irving Elman and Frank Gruber wrote the screen play, from Mr. Gruber's novel, "Simon Lash, Private Detective." John K. Teaford produced it, and Walter Colmes directed it. The cast includes Tom Dugan, Herbert Rawlinson and others.

Unobjectionable morally.

(Continued from back page)

governs the exhibition of all films licensed by a defendant distributor.

The foregoing rulings may be summarized as follows:

(1) Each distributor shall offer each picture to all prospective exhibitors in a community.

(2) The same offer shall be made for any run desired by the operators of each theatre in the competitive area.

(3) The offer shall be at a minimum rental, either fixed (flat) or percentage.

(4) Each picture shall be priced separately.

(5) The offer shall include reasonable clearance, if desired. But there shall be no clearance where there is no substantial competition.

(6) There shall be no "moveover" runs, or provisions for "overage and underage."

(7) "Extended" and "repeat" runs are permissible, "if reasonably limited in time" and if other exhibitors are given the opportunity to bid for them.

(8) The license shall be granted for the desired run to the highest responsible bidder having a theatre of size, location and equipment adequate to present the picture to advantage upon the terms offered.

(9) Minimum admission prices in license agreements shall be eliminated.

(10) The license shall be granted upon the merits, without discrimination in favor of the affiliates, old customers or any other persons. The bidders shall compete on a parity.

(11) Each license shall be offered and taken theatre by theatre and picture by picture.

(12) More than one feature may be included in a license, but only if the licensee shall have had the opportunity to bid for each feature separately and shall have made the best bid for it.

(13) Disputes arising under the bidding system, such as whether the bidder has an adequate theatre for the run, and whether the clearance is reasonable, may, if the defendants consent, be resolved by arbitration.

(14) "The administrative details involved" are reserved by the Court for further consideration.

Since the decision was rendered, the proposed order for competitive bidding has become a center of controversy and a target for criticism. Notwithstanding the obvious merits of the proposed system, claims have been widely circulated that by the decree the Government and the Court will "police" the industry and regulate the business practices, not only of the parties to the suit, but also of innocent independent distributors and exhibitors, who have been guilty of no violation of the anti-trust laws. Assertions have also been made that because of the decree there will be a shortage of product; that film rentals will be increased; and that a wave of building of new theatres will bring with it destructive competition.

During a period of uncertainty, such as must necessarily elapse before the order of the Court shall become effective, it is not strange that rumors and speculations of all kinds should be circulated. Dire predictions of chaos and prophecies of calamity may be voiced by congenial pessimists, or they may emanate from inspired sources, desirous of presenting a picture of resentment and confusion in the industry, in the forlorn hope of securing some favorable modification of the proposed decree.

A short answer to many of these criticisms is that the industry is sadly in need of "policing." The findings of the Expediting Court paint a scene of a young and great industry, capable of bringing happiness to millions and prosperity to all persons engaged in it, permeated to the core with corrupt and lawless practices, designed to strangle and annihilate competition and to drain into the pockets of a few great organizations substantially all the profits to be derived from the distribution and exhibition of films. If the unlawful practices can be corrected only by a stringent decree, then the correction is very cheap at the price.

There is nothing in the order for a decree to cause a shortage of product; and no reason has been advanced by any responsible person why such a shortage will result. It is true that in any industry an artificial scarcity of merchandise may be intentionally created by consolidations of capital and property controlling the sources of supply. But here the operation of normal economic laws requires no such result. On the contrary, if any forecast may now be made, it is that the application of the competitive bidding features of the decree should cause an increase, rather than a scarcity, of product.

If in a community where affiliated theatres are now operating on a first run basis, using substantially all the available features of good quality, a competitor under the new bidding system is able to secure a fair proportion of the available product, then the affiliated theatres, in order to continue full-time operation on the same run, may find it necessary to secure additional pictures. Independent distributors, therefore, would have a chance to enter the field to supply the need. The affiliated distributors, also, would have an interest in increasing the supply so that their own theatres would not suffer from lack of adequate product.

No satisfactory evidence has been adduced by any responsible official of any distributor or by any other person of authority in the industry to indicate that the decree will tend to increase film rentals. Frequently in the past, because the large circuits monopolized the prior right to contract for and exhibit motion picture films, independent exhibitors in competitive situations did not have a chance to bid for product on a prior-run basis. They were not able to get pictures on the run desired at any price. If the exhibitors in such localities are still content to operate on their present availabilities, it is extremely difficult to see how their film rentals can be affected. If, however, they desire to improve their playing positions, they may have to pay more money for a prior-run; but on such a run the pictures will be more valuable and the consequent increase in their box-office receipts more than adequate to compensate for the enhanced film rentals.

Large circuits, whether affiliated or independent, which have closed towns, or which use major films on a prior-run basis in competitive situations, naturally would prefer to have the present situation remain unchanged, so that they may continue to profit by a distributor's "loyalty to established customers" and not have to face competition. But the system of competitive bidding takes away from them nothing to which they are justly entitled. They have no prescriptive right to perpetual protection from competition. And in some situations where independent circuits have been obliged to play subsequent-run to affiliated theatres, they will have the opportunity to improve their playing positions. They will be able to operate in a fair field, with no favors.

Irrespective of the decree, it is not unlikely that, when materials can be readily secured, there will be a great increase in construction, not only of theatres but also of other

buildings. To what extent, if at all, the construction of new theatres may be promoted by the decree is only a matter of conjecture. Affiliated exhibitors will not be permitted to build without the permission of the Court. Independent exhibitors, experienced in the operation of theatres, and with knowledge of practices in the industry, should be in a position to profit more from theatre expansion than strangers to the industry.⁶²

From the point of view of fairness and impartiality, it is clear that no just criticism can be leveled at the competitive bidding system. Under the Federal laws Government agencies frequently, if not generally, require sealed bids from prospective purchasers of material or property; and under the laws of some States, at least, a sale at public auction is recognized as an adequate measure of the value of the property sold.

In contrast with the various claims and assertions that have been propagated in regard to the practical aspects of competitive bidding, which have just been discussed, it is to be noted that little criticism of the proposed decree has come from independent distributors or from the thousands of small independent exhibitors who for years have suffered under the iron heel of monopoly. For almost two decades, at least as far back as the Trade Practice Conference of 1927,⁶³ they have clamored in vain for the "right to buy." The competitive bidding feature of the decree at last gives them this right. Through it they have attained their main objective. Obviously the advantages of the system will outweigh any detriment that may result in isolated cases by the advent of competition. With all illegal practices definitely outlawed, and with the right to buy an established fact, a new era of progress will be opened up for independent exhibitors, and the industry as a whole should benefit.

The advantages of the competitive bidding system to independent distributors are obvious. With the exception of pictures of a defendant shown in its own theatres, the independent distributors will have an equal opportunity to compete with the major distributors for the screen time of all theatres, on the merits of their product.

Obviously, the Court was right in prescribing a remedy like competitive bidding. It may not be the only practicable remedy, and, conceivably, when the details are worked out and put into practice, some modifications or improvements may be necessary; but up to the present time no one else has suggested a better cure for the evils afflicting the industry. The Government's suggestion for complete divestiture of interests in theatres is not, strictly speaking, an alternative or substitute, but a supplementary remedy. As the Court themselves have announced, even if divestiture were ordered it would be necessary to take other steps to prevent a continuance of the illegal practices.

The machinery for the system of competitive bidding has not yet been determined. The "administrative details" were reserved by the Court for further consideration. In the "Analysis of the Court's Opinion" from a layman's point of view in HARRISON'S REPORTS of June 29, 1946, the editor suggests the establishment of a "clearing house" in each exchange area for the purpose of administering impartially the details of the system, the clearing houses to be presided over by persons having no connection whatever with the industry. No useful purpose will be served by recapitulating here the details of the plan suggested. It may be stated, however, that on its face the method outlined seems reasonably complete, and that the suggestions made obviously have considerable merit and are well worth careful consideration by the parties and the Court.

⁶² Section 4 of the Act (15 U.S.C.A. 25) provides in part that "it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations [of the Act]. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited."

⁶³ HARRISON'S REPORTS, August 10, 1946.

⁶⁴ The text of the order for a decree is printed in full in HARRISON'S REPORTS, June 15, 1946.

⁶⁵ The subject is discussed by the editor of HARRISON'S REPORTS under the title "A Way to Combat the Threat of Invasion" in the issue of August 24, 1946.

⁶⁶ The conference was held under the auspices of the Federal Trade Commission. The presiding officer was Commissioner Abram F. Myers, now general counsel of Allied States Association of Motion Picture Exhibitors.

"The only group licensing we are prepared to sanction is licensing by which the group is not offered on condition that the licensee shall take all the pictures included in it, or none, but in which the pictures are separately priced, and each picture is to be sold to the highest duly qualified bidder. As we have already indicated in discussing formula deals, master agreements, and franchises, the offering of pictures should be theatre by theatre, and if more than one picture is included in a license agreement, it will be only because of business convenience and to the extent that each picture so included has received the best bid."

When discussing the illegality of license agreements discriminating against small independent exhibitors in favor of large circuits, the Court announced:

"... Under the bidding system we are requiring such discriminations would appear impossible. Those provisions which are not compatible with the operation of this system, or which are inherently unreasonable, such as a provision for clearance between theatres where there is no substantial competition, will no longer be included in licenses, as mentioned elsewhere, but otherwise the bidders will compete for licensing contracts on a parity, in that the same offer will be made to all prospective exhibitors in a community."

The discriminations "in favor of affiliated licensee or licensees connected with independent circuits as against individual independents," according to the decision of the Court, "must be enjoined, and we believe will not exist in future licenses under the bidding system for which we are providing."

In speaking of cities like Philadelphia and Cincinnati, where Warner and RKO have owned all the first-run theatres, the Court explained that—

"... in such localities there would seem to be nothing to prevent other persons from building theatres of a similar type if the market for the distribution of films should be opened to the highest bidder and the builder of a new theatre could compete with the other theatre owners in obtaining pictures for exhibition in the theatre he had built. The only pictures that the present sole exhibitors in such localities could control would be their own, which they can always exhibit freely in their own theatres."

"... If the bidding system we propose be set up, minimum prices in licenses eliminated, and the other restrictive agreements which we have discussed terminated, it is our opinion that adequate competition would exist. . . ."

Under the topic "General Considerations," after ruling that by virtue of their copyrights the defendants had no absolute right to contract in violation of the anti-trust laws, the Court indicated that "business convenience and loyalty to former customers afford a lame excuse for depriving others of rights to compete and for perpetuating unreasonable restrictions." They negated the argument that the steps proposed would interfere with acceptable business practices, and said:

"... But we see nothing ruinous in the remedies proposed. Disputes which may arise under the bidding system are likely to relate to questions whether the bidder has a theatre adequate for the run for which he bids, whether the clearance requested is reasonable as regards his own theatre and those of others, and similar matters generally involved in comparing bids. . . ."

Then they suggested that such disputes might be adjusted, with the consent of the defendants, by arbitration. This recommendation will be the subject of subsequent discussion in this paper.

In their order for a decree the Expediting Court declared:⁶¹

"Defendants owning a legal or equitable interest in theatres of ninety-five per cent or more either directly or through subsidiaries may exhibit pictures of their own or of their wholly owned subsidiaries in such theatres upon such terms as to admission prices and clearances and on such runs as they see fit.

"No defendant or its subsidiaries shall exhibit its films other than on its own behalf or through wholly owned subsidiaries, or subsidiaries in which it has an interest of at least ninety-five per cent, without offering the license at a

minimum price for any run desired by the operators of each theatre within the competitive area. The license desired shall in such case be granted to the highest responsible bidder having a theatre of a size and equipment adequate to show the picture upon the terms offered. The license shall be granted solely upon the merits and without discrimination in favor of affiliates, old customers, or any person whatever. Each license shall be offered and taken theatre by theatre and picture by picture. No contracts for exhibition shall be entered into, or if already outstanding shall be performed, in which the license to exhibit one feature is conditioned upon an agreement of the licensee to take a license of one or more other features, but licenses to exhibit more than one feature may be included in a single instrument provided the licensee shall have had the opportunity to bid for each feature separately and shall have made the best bid for each picture so included. To the extent that any of the pictures have not been tradeshow prior to the granting of a license for more than a single picture, the licensee shall be given by the licensor the right to reject a percentage of such pictures not tradeshow prior to the granting of the license to be fixed by the decree. But that right to reject any picture must be exercised within ten days after there has been an opportunity afforded to the licensee to inspect it."

The bidding system does not apply to films of a defendant exhibitor in its own theatres, whether such theatres are directly owned or are controlled by wholly-owned subsidiaries or by subsidiaries in which it has an interest of at least ninety-five per cent. With that sole exception the decision (Continued on inside page)

THE ALLIED CONVENTION IN BOSTON

From the point of attendance as well as enthusiasm, the Allied States convention held at the Copley-Plaza Hotel, in Boston, last week, was an outstanding success; it ranks with the greatest of any national exhibitor convention in the entire history of the motion picture industry. All the Allied leaders did fine work in putting the convention over.

The keynote of the three-day meeting was sounded by Nathan Yamins, who stated that the purpose of the gathering was to restore order out of the chaotic conditions now existing within the industry. He emphasized, however, that not one of Allied's objectives were to be either sacrificed or compromised to bring such order about.

A militant attitude prevailed throughout the meetings, with the numerous speakers strongly attacking the different trade abuses and suggesting various remedial steps that should be taken as a solution to the exhibitors' problems.

The highlight of the convention was the final day's meeting, which was devoted to an open forum at which all exhibitors, regardless of their affiliation, were privileged to voice their views on existing problems. The forum session opened with a talk by Mr. Abram F. Myers, Allied's able general counsel, in which he gave a comprehensive analysis of the Statutory Court's decision and answered numerous questions directed to him from the floor.

Harry Brandt, who attended the open forum at the head of a large ITOA delegation, urged the formation of one national independent exhibitor organization and, as an indication of his sincerity, accepted from Jack Kirsch, Allied's president, an invitation to meet with Allied's board of directors on the following day to discuss ways and means of bringing such an organization into being. Mr. Brandt indicated also that he was prepared to consider recommending that his organization become affiliated with Allied. (Ed. Note: As a result of this meeting, the ITOA, at its next meeting early in October, will vote upon coming into Allied as a unit.)

Under the able guidance of Jack Kirsch, who brought all his resourcefulness and ingenuity into play, the meetings were at all times under control. Mr. Kirsch is a first-class leader, aggressive yet impartial.

The Boston exhibitors, headed by Nathan Yamins, who acted as convention chairman, deserve great credit for the smooth way in which the convention arrangements were handled.

HARRISON'S REPORTS

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No. 39

JOE BREEN'S TEMPER

Late in June, this year, I received from Joe Breen, Production Code Administrator, at Hollywood, a letter denying certain statements that I made regarding him in the editorial, "Howard Hughes versus Eric Johnston," which was printed in the May 11 issue of HARRISON'S REPORTS.

Because the letter is abusive, I did not want to take advantage of Breen by printing it and, on July 1, I wrote him partly as follows:

"You wrote your June 27 letter to me in anger, and mailed it before giving yourself a chance to cool off and reconsider. For this reason I am not going to take advantage of you and I have decided to give you a chance to withdraw your request that I publish it in HARRISON'S REPORTS. . . ."

I informed Mr. Breen that I would, of course, publish it if he insisted, but that I could not do so immediately because of the fact that the interpretation of the Federal Statutory Court's decision in the New York Anti-Trust case held priority. I told him, however, that I considered this circumstance fortunate in that he was going to England and it would give him time to reconsider the matter. Besides, I said that I would want him to be back in the United States when I printed his letter and gave him my reply, because I wanted him to know what I had written.

I emphasized the fact that, in giving him a chance to reconsider his demand, I was doing a favor, not to myself, but to him, for I felt that he was doing himself no honor by resorting to abuse.

Several weeks have passed since the day he returned from England to the United States and, since he has not yet answered my letter telling me whether he desires to withdraw his demand that I publish his letter or not, I am proceeding to publish it, for I don't want to let this matter be closed by default.

In spite of the fact that Mr. Breen saw fit to resort to personal abuse, I assure you that I shall not reply in kind, not only because I feel that abuse settles no problems, but also because I respect the feelings of those who read HARRISON'S REPORTS. Just because Joe Breen has seen fit to resort to personal abuse and insult is no reason why I should stoop to his tactics. I shall present my facts to you in a dignified manner and let you, as jurors, determine whether my facts are unassailable or not. All I want you to do is to criticize me severely if you find my facts inadequate, but if you find them adequate and justified I hope you will be lenient toward Mr. Breen. Had he had less false pride and more courage, he would have acknowledged his error and the matter would have been forgotten.

Because of the fact that Breen's letter is very long, I shall publish it piecemeal, printing each topic and discussing it separately, so that my facts may not appear a mile away from the topic discussed.

THE LETTER

Dear Pete:

I have just finished reading your editorial blast in the May 11th issue of HARRISON'S REPORTS, and I am sending this to tell you that I think you ought to be ashamed of yourself.

How in the name of heaven, anyone making the slightest pretense to editorial integrity could launch upon such an attack *without first getting the facts*, is simply beyond my comprehension.

For example: Most of your editorial has to do with film advertising. You go to great lengths to set forth your critical viewpoint on the subject and then proceed to charge me with some kind of responsibility for such advertising.

The fact of the matter is that I have no more responsibility for film advertising than you have. It is the Advertising Advisory Council, with headquarters in New York, which,

for the organized industry, has the responsibility for film advertising, and a gentleman named Gordon White is the Administrator of the Advertising Code.

In my work, I have not now, and I never had, any responsibility, directly or indirectly, for film advertising, of any kind. I have had nothing whatever to do, in any way, with the advertising of "THE OUTLAW," or "GILDA," which you specifically refer to in your editorial. And, I have never laid eyes on the press book for "STRANGE AFFAIR OF UNCLE HARRY," for which you seek to castigate me.

What kind of journalistic ethics is it that presumes to lecture anybody on the grounds of honesty and fair dealing, and, at the same time, makes not the slightest effort to first establish the facts? In your case this kind of loose writing is even more reprehensible, because you ought to know better.

As further evidence of your type of editorializing, you publish a quote from an article in the April 2nd issue of DAILY VARIETY. I direct your attention to the fact that nowhere in your editorial is there to be found any qualifying reference to this quote from VARIETY. You do not say, for example, as would most editorial writers, that "if the VARIETY story is correct," or, "if the VARIETY story accurately represents the situation," etc. You just accept the story as correct, and proceed on this basis, again to attack me.

Now, the fact of the matter is that, so far as I am concerned, the VARIETY story is false and, consequently, all your flip talk about me and what I am supposed to have said to the producers, is just the cheapest kind of twaddle. You cannot escape your responsibility for this kind of writing by arguing that VARIETY published the story and that you thus felt justified in using it as a basis for your attack on me.

Any editor worth his salt would have first checked on the story in order to make certain that it was correct and accurate—but not you! You did not hesitate to accept the false story and use it to impugn my honesty, and characterize me as a crook.

Again, I say, what kind of responsible journalism is this?

MY REPLY

(1) The April 2 *Daily Variety* news item, which I took as a "springboard" for that part of my editorial that dealt with Mr. Breen, was headed by the following headline: "Clean Ads, Pix Demanded—Breen Tells Prods to Keep Code Spirit," and the first paragraph read, "Sharp warning that they'll have to watch their step in the matter of observance of the Johnston office code has been given producers and studio publicists by Joe Breen."

(2) *Boxoffice*, in a Hollywood dispatch, published in the April 6 issue, had this to say on the same subject:

"Continuing the series of studio meetings which are aimed toward bringing a more complete understanding of the industry's self-regulation program to all Hollywood picture-makers, Joseph I. Breen, production code administrator, has held sessions with producers on all major lots except Warners and RKO Radio. Spokesmen said Breen would hold discussions at those studios within the next few days.

"Breen, who refers to his discussions as 'refresher courses,' has been emphasizing the industry's tendency to observe the strict letter of the code, but not the spirit, and has—in certain instances—been 'cutting corners' in the matter of advertising and poster arts.

"The code administrator pointed out 'the need in these changing times of the greatest possible care in order that pictures may not be seized upon by critical censorship boards . . . as an excuse for curtailing the freedom of the screen.'"

(3) On April 4, Eric Johnston, head of the producers' association, gave an interview to the trade press and talked about the method that will be used by the Motion Picture Export Corporation to divide the profits from foreign sales. Giving an account of that interview in the April 5 issue of *Motion Picture Daily*, Gene Arneel, that paper's reporter, said also the following:

"Veering to censorship, Johnston stated that the Motion Picture Association has made it known to all producers, directors and writers that 'rigid adherence to the Production Code is necessary in order to earn Code approval.'"

(Editor's Note: Though this item has no direct bearing on Breen, it has an indirect bearing; it establishes the general atmosphere of those days to lecture the producers on the Code violations.)

(4) Upon his return from England, Joe Breen was interviewed by a motion picture writer of one of the New York newspapers. This writer told me that he asked Breen whether the statement that he had been lecturing the Hollywood producers on Code violations is true or not, and Breen was compelled to make the following admission: "I have been doing that every year." (I am sorry that I cannot divulge my friend's name; Breen understands the reasons fully, for at one time he was a newspaper man himself.)

(5) Mr. William H. Mooring, writing in the August issue of *Extension*, a Catholic paper published in Chicago, said partly the following:

"Following some brisk Catholic action, in which I was privileged to play a part, correspondence passed between headquarters of the National Legion of Decency and the Motion Picture Producers' Association.

"The Legion vigorously directed attention to postwar deterioration of moral standards in motion pictures, and Eric Johnston, for the industry, admitted that this trend was the cause of grave concern among the more alert film producers.

"Joseph I. Breen, head of the Production Code Administration, but for whose diplomatic handling of most difficult problems films would be much worse than they are, paid personal visits to all the leading Hollywood producers. He warned them that unless they halted postwar laxity toward the provisions of the Code, vigilance in many influential quarters, not least of all the Catholic Church, might quickly embroil the film industry in the meshes of a federal system of censorship. . . ."

Notice what Mr. Mooring says: He has read correspondence and knows that Breen paid personal visits to all the leading Hollywood producers, warning them against the violations of the code. Can we blame Will H. Hays for these violations? Of course not; Eric Johnston has taken over his post. Can we blame Eric Johnston for them? Of course not—he has been head of the producers' association for only a short time, and naturally is not acquainted with the details thoroughly. Besides, he has kept Breen on the job without interruption, and without any diminution of his (Breen's) powers.

But suppose, after all this proof, we decide to declare Breen right. Does that make him a hero? No—of course not, for he, as an old newspaperman, knows that a story that appears in a publication is considered true unless it is denied. More than a month elapsed between the time *Daily Variety* and *Boxoffice* printed that story and the time that I used it in HARRISON'S REPORTS, but Breen had not denied it. Had he spent one-twentieth as much time denying the story as he spent in writing his abusive letter to me, he would have escaped criticism as to the "refresher courses." (On the other accusations and his denials you will have my reply.) But evidently Breen enjoyed having the trade papers say that he was giving the producers lectures—it seems to have pleased his vanity; but just because the story snapped back and hit him in the face, he squeals.

Joe Breen says that, not he, but Gordon White, head of the Advertising Advisory Council, is responsible for the approval of film advertising. This reminds me of the sinking of the S. S. Burgundie off the coast of France about fifty years ago after a collision during a fog. When the crew realized that the ship was sinking, they trampled on women and children to get into the life boats so as to save their own skins.

This incident, however, had its counterpart just about that time; during maneuvers of the British Fleet in the Aegean Sea off the Island of Cyprus, one of the battleships rammed the H.M.S. Victoria (or Queen Victoria—I don't remember the exact name), and when the crew saw that the ship was sinking they, from the highest naval officer to the lowest oiler, stood at attention at their posts, and went down with their ship. But this does not remind me of Joe Breen.

Why should Breen have mentioned Gordon White when he knows that White cannot defend himself? If he tried to, his job would not be worth a doughnut. Wouldn't the mention of only the Advertising Advisory Council have sufficed?

Joe Breen asks if I don't know that he has nothing to do with advertising, and for that reason I should not have criticized him! Of course I know that advertising is not under his jurisdiction, but when he undertakes to lecture the producers on violations of the Advertising Code, then he should be big enough to take, not only the glory, but also the blame. After all, he holds a political job and must learn to take criticism like a good politician, without whimpering like a baby. But it seems to me as if he can't take it. He is your friend as long as you tell him what a great man he is, but he resents criticism of his work.

Joe Breen says that I should have at least stated, "if the *Variety* story is correct," or, "If the *Variety* story accurately represents the situation." This is a slick journalistic method, implying that the editor does not have the courage to take the responsibility for his statement. With me, a story is, either accurate, or inaccurate. If it is accurate, I print it, and if I find later that I had been misled, I make amends. For this reason I cannot accept Breen's journalistic advice. Besides, aside from the matter of ethics, I was not obligated either to employ the journalistic method he suggests, or to investigate the *Variety* story, for, as I have already stated, a story that appears in print is considered true unless denied. And Mr. Breen did not deny it, even though nearly five weeks elapsed between the time the story appeared in *Daily Variety* and *Boxoffice* and the time I used it in HARRISON'S REPORTS.

THE LETTER

You ask the question: "Where was Breen when Walter Wanger's script on 'SCARLET STREET' was submitted to his office? And where was he when the picture, after being finished, was sent to his office for reviewing?"

The answer to this question is that I was here in Hollywood, tending to my business.

In your editorial, you quote an observation made by a lady, employed by the Board of Motion Picture Censors in Atlanta. You make note of the fact that "the picture was condemned" and then proceed to set forth your views about the matter.

It is interesting to note, however, that while you have seen fit to quote from Miss Smith and her condemnation of the picture, you do not tell your readers that four members of the Board of Censors at Atlanta completely disagreed with her viewpoint.

You make not the slightest reference to the opinion of the Court in this case, handed down by Judge Bond Almand, which set aside the decision of the Atlanta Board, and characterized the action as thoroughly illegal. As against your estimate of the picture, as well as that of Miss Smith, Judge Almand stated that "there is overwhelming evidence that the picture is not lewd, licentious, immoral, or detrimental to the health, morals, or good order of the City."

What kind of journalism is it that tells only a part of the truth?

I note your quotation from Terry Ramsaye's editorial, in which he refers to the picture, "SCARLET STREET," as "a morbid, seamy story dealing with the dregs of humanity." I agree with Mr. Ramsaye in his characterization of this particular picture.

Here, again, however, I wonder at the kind of journalistic ethics which motivates your editorial. You select from Mr. Ramsaye's editorial one line, and let it go at that. You pass over the point of Mr. Ramsaye's editorial, which concerned itself with "the inutility of political censorship" and you make no mention of Mr. Ramsaye's observation concerning "SCARLET STREET," and its handling by the New York Board of Censors, about which Mr. Ramsaye observed, "Much of a potter has been had, and to no consequence, save some unwarranted disparagement of the picture. . . ."

Neither do you report that Mr. Ramsaye stated in his editorial that "The story contains what may be called strong material pertaining to hard aspects of life, but the original action of the New York State Board in condemning the picture was not to be justified by any real understanding of the moral issues or the representation of them."

It is interesting to note that Mr. Ramsaye, who is, as you say, "An everyday decent person" is, also, a gentleman who knows very much about the provisions of the Production Code, but, who, in his editorial comment on "SCARLET STREET," makes not even the slightest suggestion that he believes, with you, that the picture "flouts openly the principles of morality and the boundaries of good taste as established by the Production Code."

MY REPLY

It seems to me as if the Georgia Supreme Court has made a sucker out of Joe Breen on "Scarlet Street," for as I am writing this reply I am reading a news item in the September 10 issue of Motion Picture Daily, reading as follows:

"Atlanta, Sept. 9—The Supreme Court of Georgia has ruled that Judge Bond Almand of Fulton County Superior Court erred in allowing 'Scarlet Street' to be shown in Atlanta over the protest of the city board of censorship. . . ."

Not that "Scarlet Street" would have been purified by Breen's protesting arguments without this decision of the Georgia Supreme Court, but it just makes it possible for me to eliminate the use of a great deal of valuable space.

So far as his attempt to use other parts of Terry Ramsaye's article to prove his code conduct correct, let me say that, at a luncheon table the other day, Mr. Ramsaye told me that, if I should want him to repeat that "Scarlet Street" is "a morbid, seamy story dealing with the dregs of humanity," he will be very glad to accommodate me. So, before Joe Breen again invokes Mr. Ramsaye's writings to prove his case, he had better communicate with him.

THE LETTER

You ask the question, "Where was Joe Breen when 'THE CORN WAS GREEN' was submitted to his office?"

Again, I answer that Joe Breen was here in Hollywood, working away at his task as Administrator of the Production Code.

You ask the further question: "Does he know that in this picture there is implied a seduction?" The answer is, yes, I do know that there is in the picture an implied seduction, but I hardly know just what you mean by "an unadulterated sordid seduction." I take it that your purpose is seeking to establish that I have been derelict in my duty. It must be that you are of the opinion that because of this "unadulterated sordid seduction," we should not have approved "THE CORN IS GREEN." Maybe so. But, let us see what some others—aside and apart from you or me—think about this picture. I have before me as I write, a copy of a publication, titled, "UNBIASED OPINIONS OF CURRENT MOTION PICTURES." It is a four-page document, issued by the Fox West Coast Theatres, under date of April 14, 1935. In this bulletin, there is set forth in some detail the estimates of a group of trained film reviewers representing eleven national organizations, concerning this picture, "THE CORN IS GREEN." These groups are the following:

- American Legion Auxiliary.
- General Federation of Women's Clubs (Western Committee.)
- National Film Music Council.
- National Legion of Decency.
- Daughters of the American Revolution (Western Committee.)
- Zeta Phi Eta.
- American Ass'n of University Women (Los Angeles County Branches).
- California Congress of Parents and Teachers.
- Business and Professional Women's Clubs.
- California Council of Church Women.
- L. A. Sec. National Council of Jewish Women.

Attached hereto is a copy of this issue of "UNBIASED OPINIONS." I direct your attention to the fact that in not a single one of these comments concerning "THE CORN IS GREEN" is there any reference whatever to any "sordid seduction"—"unadulterated" or otherwise. With the exception of the Legion of Decency, all these groups, commended the picture most highly. Six of these groups recommended the picture as acceptable for mature family audiences; three, recommended it as acceptable for adults; and one classifies the picture as acceptable for mature audiences.

The Legion of Decency, which classified the picture as "Objectionable in Part" states that this partial objection is due to the "false moral philosophy" which "motivates major sympathetic characters,"—with no reference whatever to any "sordid seduction."

It may be that those who represented these various groups in the examination and classification of "THE CORN IS GREEN" did not know that in this picture there is "an implied seduction," and to quote your viewpoint, "a seduction, not out of love—you may forgive two young people, madly in love with each other, for forgetting themselves."

It may be that none of these representatives who examined this picture critically, noted this "shocking" suggestion of a "sordid seduction," or, maybe they noted it but agreed that such an implication was, not only not offensive, but acceptable as valid dramatic material. But, in any event, none of them seems to agree with your estimate of the picture. Except for the Legion of Decency—which found no objection to the picture on the basis on which you condemn it—all these responsible groups recommended the picture to their members, and several of them praise it fulsomely.

MY REPLY

It is no surprise to me that Joe Breen does not understand the moral degradation from permitting the implication of loveless seduction. I have had experience with him once before; on a worse situation—rape. If you are an old subscriber, look into the editorial, "An Approved Artistic Rape," published in the March 28, 1936, issue of HARRISON'S REPORTS, referring to the picture, "Robinhood of Eldorado." But I am going to save you the trouble. I said in the beginning of the editorial:

"The hero's beautiful wife is raped by four ruffians. . . . The next scene shows the victim on her bed, face up, [and legs stretched wide] and with a pathetic expression on her face; she dies."

Shortly afterwards I had a discussion with Breen on this matter and he told me that he could see nothing wrong with that scene.

In connection with "The Corn Is Green," Mr. Breen forgot one thing: not only is there an implied seduction, but also an illegitimate child, resulting from it. Let Mr. Breen show me an independent picture where he permitted such a license.

In order to prove his case, Joe Breen brings forward the testimony of a group of outsiders, most of them amateurs. What is the matter with his own judgment? Why doesn't he use that?

I selected "The Corn Is Green" at random. There is a large number of other pictures, just as bad and even worse. But I don't want to tire you out, so I shall pick for discussion just a few of them—from the late crop:

"GILDA": The heroine, a married woman of loose morals, picks up a strange man at a night club. When he asks her what they should do that evening, she replies: "Well, if I were a ranch, you could call me 'bar nothing'."

Discussing this picture in his column, Robert Ruark, whose writings appear in the *New York World-Telegram* and other newspapers in the nation, said the following: "Burlesque in New York may be too rich for the average working stiff's blood, but a movie called 'Gilda' slipped in some business that would have pinkened the cheeks of the Frères Minsky."

"TO HAVE AND HAVE NOT": Humphrey Bogart, while holding Lauren Bacall tight, says to her: "I've got to have you, Baby."

Perhaps this remark is too subtle for Mr. Breen, but not for the audience—they howled.

"KITTY": Reginald Owen, an elderly English nobleman, keeps walking around Paulette Goddard admiring her shape, and says: "A mighty pretty piece, I should say!"

Is this too obscure for Mr. Breen? It was not for the audience—they howled at this one, too.

But here is one that tops them all—"THE BIG SLEEP":

The scene is in a restaurant, and the characters Bogart and Bacall. The two, discussing the type of persons each prefers to have a date with, talk in race track lingo, which lends itself highly to double meaning:

Bacall: "I like to see if they are front runners, or work from behind."

In answer to something that Bogart says, Bacall asks: "Which am I?"

Bogart replies: "I can't tell until I see you over a distance of ground."

Continuing the race track parlance, Bogart remarks: "I can't tell until I try you in the saddle." The audience roared.

The scene is in a taxicab, while Bogart is trailing a car.

Female cab driver: "If you need me again, here's my number."

Bogart: "Do you work days or nights?"

Female cab driver: "Call me at night; I work days."

The scene is in a book shop. Humphrey remarks to the sales girl that he has a bottle of liquor in his hip pocket. The girl says: "What are we waiting for?" She tells him that business for the day is over, goes to the door, locks it, pulls the window shade down, and there is a fade-out.

Perhaps I have not given the exact words of the dialogue—you know how difficult it is to remember dialogue. But the sense is correct.

Remarking on this picture, Mr. Ruark said in the same column heretofore mentioned:

"I love Mr. Chandler, because his dialogue is so warm, but I don't know how he gets away with some of the stuff that is served up for childish amusement in a gangster thing called 'The Big Sleep.' They held this one for a couple of years, and I think I know what delayed it. Some of Mr. Humphrey Bogart's fast chatter with one of his many round-heeled admirers would have shocked a stevedore."

Yet Mr. Breen has the audacity to become indignant!

Let me make my position clear: I am, neither a censor, nor a prude, nor am I trying to reform the world. As a matter of fact, I admire Mr. Breen's liberalism. What I want to know is only this: Why is he not as liberal with the independent producers as he is with the major producers? Why doesn't he use the same yardstick?

THE LETTER

Here is another sample, from your editorial, of your ignorance and irresponsibility. You state that "if a producer disagrees with Breen's decision, he can appeal to the New York office. In such an event, the New York office has the final word. But in all these years I do not recall a single instance in which the New York office reversed Mr. Breen's decisions."

Again, I wish to observe that you are talking through your hat. To suggest that there has been "no single instance in which the decision of the Production Code was reversed" is not true. On several occasions the Directors of this Association have "reversed Mr. Breen's decisions." A case in point, is the picture, "THE OUTLAW," which was rejected by the Production Code Administration in 1941, and later approved by the Board of Directors of this Association in New York City.

MY REPLY

In the editorial under discussion ("Howard Hughes vs. Eric Johnston"), I accused Joseph Breen as favoring the majors but never letting the independents get away with anything. I based that statement on information given me by trustworthy independent producers as well as writers. Unfortunately I cannot disclose their names, for no newspaperman will divulge the source of his information. The reasons are too obvious.

Among the accusations that I made against Breen is the fact that, to my knowledge, the New York office of the producers' association never reversed Mr. Breen's decision in rejecting a picture, thus implying that Mr. Breen alone is responsible for the moral tone of the pictures. As a proof, he cites "The Outlaw," and says that, although he rejected it, the New York office reversed him and approved it.

It is evident that Mr. Breen has forgotten the fact that "The Outlaw" is an independent picture. And that is what I have been saying all along—that he is hard on the independents, but will swallow major camels, no matter how big.

I thank Mr. Breen for his admission.

Mr. Breen, in denying that the New York office had "never reversed him," says: "On several occasions the Directors of this Association have 'reversed Mr. Breen's decisions.'" What are those occasions, Mr. Breen? Why don't you name them? Are you afraid? What are you hiding?

Did the reversals concern major pictures or independent? I challenge you to name them!

THE LETTER

In writing about the Universal press book for "UNCLE HARRY," and after setting forth some extracts which you say are part of the press book, you ask the question: "Would Mr. Breen have approved the wording in this press book if it had been submitted by an independent producer? Let me have an independent producer answer this question." (All of this, of course, despite the fact that I have nothing whatever to do with press books of any kind.) You then quote what you say is a statement made to you recently in Hollywood by an independent producer, who told you "that Breen objected to certain situations in some stories he contemplated producing, although, he said, Breen approved similar situations in stories submitted by the major producers."

You then go on to state, "I asked him why he did not call Breen's attention to this inconsistency, and he replied that he did, and that Breen's answer was: 'Well, the major companies have the means of treating such situations artistically.'"

I never made any such statement in my life. *The statement is utterly and unqualifiedly false.*

In another part of your editorial you make the charge that "the Production Code Administrator does not give the same consideration to the major producers that he gives to the independents. I deny this statement also. There is not one scintilla of truth in it.

I count on you to give this letter the same editorial consideration you gave to your attack upon me.

Yours truly,

(Signed) JOSEPH I. BREEN

MY REPLY

Breen's denial as to the producer's statement is not worth the paper that it is written on, because I know the producer in question to be truthful. Moreover, I have submitted sufficient proof to make further assurances unnecessary.

When I was in Hollywood recently, I asked a story editor, a trustworthy and cultured person, to tell me what takes place in Breen's office, for he has had many dealings with that office and knows. He said to me: "Breen gives the independents' scripts to his subordinates, who use microscopes in going over them, and keeps the major scripts for himself. How many scripts can he read? Besides, the major studios send their slickest salesmen to him to convince him that everything in a script is as it should be." And judging by the sample pictures that I have already discussed, no further proof as to the accuracy of this writer's statement is necessary.

* * *

No doubt Mr. Breen, when a child, received advice, like the child of every other family in the land, to be tolerant, kindly, generous and charitable.

Where is his tolerance, his kindness to an old friend, his charitableness and his generosity? Didn't those teachings leave any impression on Mr. Breen? His letter seems to indicate that they did not.

Even without an answer to my request that he reconsider the matter of publishing his letter, I would have possibly decided not to publish it were it not for the fact that Mr. Breen wrote his letter on June 27, and starts, "I have just finished reading your editorial blast of May 11th. . ." Now, Mr. Breen receives my paper at his home. Ordinarily, he should have received his copy of HARRISON'S REPORTS not later than May 16. And yet he states that he had just finished reading it. Even if, by some chance, his copy was either lost or delayed, Mr. Breen must have received several telephone calls directing his attention to my May 11 editorial. What pressure was brought on him to send me an abusive reply? And this is the reason why I was not willing to forget the matter. If I had forgotten it, Mr. Breen might have said that my declarations that I make amends in HARRISON'S REPORTS when I unwittingly make an erroneous statement are false, pointing out to the fact that I failed to print his letter, and I would have had no way of making a defense.

In case Mr. Breen wants to make a further reply to these statements, he should employ dignified language and not allow his momentary feelings to overrule his judgment. After all, a person can never be considered civilized until he learns how to control his temper.

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No. 40

A Legal Analysis of the Statutory Court's Decision—No. 9

By George S. Ryan

(3) DIVESTITURE OF THEATRES

The chief objective of the Government was that "the major defendants should be divested of their theatres in order that no distributor of motion pictures be an exhibitor." Except in connection with theatre "pools," the Court denied the Government's prayer for this relief.

In the section of this article relating to "pooling agreements"⁶⁴ it was pointed out that the Statutory Court had unequivocally branded as illegal the pooling of interests in theatres by exhibitor defendants, whether such arrangements were made between exhibitor defendants or between the exhibitor defendant and an independent exhibitor, and whether the arrangement took the form of an operating agreement, a lease, a joint stock ownership of theatre-operating corporations, or the joint ownership of theatres in fee.

In prescribing a remedy for these violations of law the Court ordered that each defendant should cease and desist from ownership of any interest in a theatre in conjunction with another defendant-exhibitor; and that each defendant should cease and desist from joint ownership with an independent of an interest in any theatre greater than five per cent, unless its interest was ninety-five per cent or more. Where such interest is more than five per cent and less than ninety-five per cent, the joint interest should be dissolved either by a sale to or a purchase from the co-owner. Each of the defendants was enjoined from expanding its theatre holdings, except with the permission of the Court for the purpose of acquiring a co-owner's interest in jointly owned theatres. A defendant, however, might acquire theatres or interests in them in order to protect its investments or to enter a competitive field, if, upon application to the Court or other competent authority, such acquisition should be approved.

The language is comprehensive in its prohibition. It includes substantially every conceivable way in which joint interests in theatres may be held. It leaves open no avenue of evasion.

About 361 theatres in which the defendants had joint interests are affected. But this number does not include theatres in which a defendant has a joint interest with an independent, or theatres connected with a defendant through film-buying or management contracts or through corporations in which a defendant owns an indirect minor stock interest. The number of such theatres is not stated in the decision.

The reasons given by the Expediting Court for its refusal to require divestiture by the defendant producers-distributors of their interests in other theatres may be summarized as follows:

(1) Only in certain localities does the ownership by the defendants even of first run theatres approximate a monopoly.

(2) In localities where there is ownership by a single defendant of all the first run theatres, there is no sufficient proof that the ownership has been acquired for the purpose of creating a monopoly and has not arisen from the inertness and lack of financial ability of competitors or from the preference of the public for the best equipped houses.

(3) There is no evidence that in such localities other exhibitors have been prevented from owning first run theatres, and consequently there is no monopoly.

(4) There is no substantial proof that any of the corporate defendants was organized or has been maintained for the purpose of achieving a national monopoly.

(5) The major defendants have interests in 3,137 theatres, or only 17.35 per cent of the total number in the United States.

(6) In about 60 per cent of the 92 cities having populations of over 100,000 there are independent theatres in competition with those of the major defendants, and in about 91 per cent of these cities there is first run competition between independents and some of the major defendants or among the major defendants themselves—except so far as it may be restricted by unlawful trade practices.

(7) In all the 92 cities there is competition in some run.

(8) If divestiture were ordered the Court would still have to give relief against the unlawful trade practices.

(9) If the unlawful practices were employed in the future in favor of powerful independents they would effect the same undesirable results now existing.

(10) Total divestiture would be unjust to the defendant corporations and the public would not accomplish any useful purpose.

(11) "... The opportunity of independents to compete under the bidding system for pictures and runs renders such a harsh remedy as complete divestiture unnecessary, at least until the efficiency of that system has been tried and found wanting."

The Statutory Court explained that each defendant had a right to own and operate theatres, "and it takes greater proof than that each of them possessed great financial strength, many theatres, and exhibited the greater number of first-runs to deprive it of the ordinary rights of ownership." Except for the unlawful trade practices, which will be abolished, "there is general competition among all the defendants as well as between them and independent distributors for the exhibition of their various pictures."

The Court then proceeded to quote from the *Pullman Case*, which has already been commented upon at some length in this article,⁶⁵ as follows:

"If there is only one store in a town at which every one trades, that fact does not itself constitute a monopoly in the legal sense. It is only when the merchant maintains his
 (Continued on last page)

"Blue Skies" with Bing Crosby, Fred Astaire and Joan Caulfield

(Paramount, Dec. 27; time, 104 min.)

Combining Bing Crosby's singing, Fred Astaire's dancing, and Irving Berlin's music, "Blue Skies" emerges as a highly entertaining Technicolor musical with definite mass appeal, for it is gay and romantic. Even though the story is extremely thin, it serves as a means of introducing a succession of Berlin's melodious song hits, most of which are old time favorites. The picture follows the "Holiday Inn" formula, with Crosby, as a singer and night-club owner, and Astaire, as a dancer, vying for the affections of the same girl. It has a good share of romance and comedy, and all the leading characters are sympathetic. Of the many musical highlights, the outstanding one is the "Puttin' On the Ritz" production number, in which Astaire, aided by trick photography, does a breath-taking dance routine in his matchless style. Joan Caulfield, as the girl whose charms provide the love interest, is appealing. Olga San Juan, a newcomer, has a pleasant singing style, and Billy De Wolfe, as Crosby's assistant, adds much to the gaiety by his antics. One sequence, in which he impersonates a timid, middle-aged woman, who stops at a cocktail bar to celebrate her wedding anniversary, is hilarious. The production end is superb.

The story, which unfolds in flashback fashion, opens with Astaire, a radio commentator, broadcasting a true story to his audience and expressing the hope that it would have a happy ending that evening. He relates that, following World War I, at which time he had been a Broadway dancing star, he had fallen in love with Joan Caulfield, a chorus girl. He had introduced Joan to Crosby, his friend, who had captivated her with his charming personality. Both had fallen in love but because of Crosby's restlessness, his desire to acquire night-clubs and to sell them as soon as he tired of them, he had declined to marry her lest he make her a poor husband. He and Joan had parted, but their love for each other had been so strong that they decided to get married. Crosby had promised to settle down, but he soon succumbed to his restlessness and, together with Joan, moved from city to city opening and selling night-clubs. Shortly after their baby had been born, Joan had insisted that Crosby settle down for good with his newest and most successful cafe, but his refusal had led to a quarrel, ending in their divorce. Joan had returned to her stage career and, after five years, had decided to marry Astaire, who was still in love with her. On the eve of their marriage, however, Joan had confessed her inability to go through with the wedding because of her love for Crosby. Astaire, dejected, had taken to drink and, during a sensational dance routine on a high platform, had fallen to the stage, putting an end to his dancing career. As Astaire finishes his broadcast, and as Crosby sings on the program as a guest star, Joan enters the studio and becomes reconciled with her former husband.

Arthur Sheekman wrote the screen play, Sol C. Siegel produced it, and Stuart Heisler directed it.

Unobjectionable morally.

"The Dark Mirror" with Olivia de Havilland, Lew Ayres and Thomas Mitchell

(Universal-International; no release date set; time 85 min.)

A pretty good psychological murder-mystery melodrama, which, despite the incredibility of the plot, should please the followers of this type of pictures. The story, however, is somewhat unpleasant, for it deals with insanity and pits one sister against another, in this case identical twins. The mystery stems from the fact that the police establish that one of the sisters was involved in a murder but are compelled to release both of them because of their inability to prove which one was guilty. The manner in which the police, aided by a psychiatrist, unmask the guilty sister, makes up the rest of the plot. Olivia de Havilland, who plays both sisters, does fairly well, but not good enough to make one feel that each character was a separate and distinct personality. As a matter of fact, it is only through the use of initialed costume jewelry, which each sister wears, that the spectator is able to distinguish one from the other. It has some romantic interest, and a fair share of suspense and excitement. Thomas Mitchell, as a baffled detective, is very good. Much credit for the picture's quality is owed to the deft direction of Robert Siodmak:—

When a prominent physician is found stabbed to death, suspicion centers on Ruth Collins (Olivia de Havilland), who was seen leaving the dead man's apartment on the night of the slaying. The police, however, encounter an impasse when they learn that Ruth had an identical twin sister, Terry (also Miss de Havilland). Because one sister refused to incriminate the other, the police find it impossible to declare one of them guilty; both are set free. Determined to solve

the mystery, Detective Stevenson (Thomas Mitchell) enlists the aid of Dr. Scott Elliott (Lew Ayres), a psychiatrist who had made a life study of identical twins. Elliott, who knew the girls, persuades them to submit to a series of personality tests to aid him in his research work. As a result of the tests, Elliott comes to the conclusion that Terry was suffering from paranoia, a dangerous form of criminal insanity, and that she was extremely jealous of Ruth. Meanwhile Terry had been carrying on a subtle campaign to lead Ruth to believe that she was going out of her mind. Elliott, in love with Ruth, begins to fear for her safety. He decides to ask her to come to his office to tell her the truth about Terry. But his phone call is intercepted by Terry, who, impersonating Ruth, agrees to come to his office immediately. Aware that he had been speaking to Terry, Elliott, aided by Stevenson, sets a trap: They lead Terry to believe that Ruth had committed suicide. Confident that her scheme to drive Ruth out of her mind had succeeded, Terry, to clear herself of all suspicion, recounts the details of how Ruth had "murdered" the physician. But, when Ruth makes a sudden appearance, Terry realizes that she had been tricked into betraying herself. She becomes stark mad.

Based on an original story by Vladimir Pozner, the screen play was written and produced by Nunnally Johnson.

Adult entertainment.

"Undercurrent" with Katharine Hepburn, and Robert Taylor

(MGM, no release date set; time, 114 min.)

An interesting psychological drama, well produced and superbly acted, but it is handicapped by a story that is not very convincing, and by direction that is somewhat spotty. Moreover, the picture is overlong. It may, however, do pretty good business on the strength of the leading players' popularity. Revolving around a young bride who finds reason to suspect her husband of dire doings in connection with his brother's mysterious disappearance, an undercurrent of suspense prevails throughout as she undertakes to learn the facts about her husband's past in order to clear up the mystery. Several of the situations are quite tense, and the action builds up to a violent climax, in which the husband tries to kill his wife, first by forcing her over a cliff, and, failing that, by attempting to bash her skull with a rock. She is saved when a horse stomps him to death. All this is wildly melodramatic and is more harrowing than exciting. Katharine Hepburn portrays the heroine with deep feeling and understanding; one respects her for her courage. Part of the story idea is unpleasant, for it pits a brother against a brother:—

Katharine, daughter of a scientist, marries Robert Taylor, a handsome, young industrialist, after a whirlwind courtship. Shortly after their marriage, she learns that Taylor had a brother (Robert Mitchum), who had disappeared mysteriously, and discovers that the mere mention of his name infuriated him. Taylor explains that his brother was a wastrel, one who had always taken advantage of him, and who had stolen his company's funds prior to his disappearance. In the course of events, Taylor's tantrums over matters concerning his brother, together with the reluctance of his associates to give her any information about the missing man, heightens Katharine's curiosity. In due time, different incidents lead her to suspect that Taylor might have murdered his brother and she becomes obsessed with a desire to get to the bottom of the mystery in order to disprove her suspicions and save her marriage. She eventually discovers evidence indicating that Mitchum was alive, leaving her happy in the thought that Taylor was in the clear. Meanwhile Mitchum, having learned of Katharine's unhappiness over his unexplained disappearance, visits Taylor secretly, charges him with the murder of an obscure scientist, whose invention he had stolen to gain fame and fortune, and insists that he tell Katharine the truth lest he do so himself. Taylor agrees, but maddened by the thought that Katharine would leave him if she knew the truth, and imagining that her search for Mitchum had caused her to fall in love with him, although she had never met him, he decides to kill her. His diabolical attempt to murder her is foiled by his own horse, a mistreated animal, who stomps him to death. It all ends with a meeting between Katharine and Mitchum, in which she arranges for Taylor's ill-gotten fortune to be returned to the murdered scientist's family, and in which it is indicated that the romance she failed to find with Taylor would be found with Mitchum.

Edward Chodorov wrote the screen play from a story by Thelma Strabel, Pandro S. Berman produced it, and Vincente Minnelli directed it. The cast includes Edmund Gwenn, Marjorie Main, Jayne Meadows and others.

Adult entertainment.

"Strange Holiday" with Claude Rains

(PRC, Sept. 2; time, 56 min.)

This dramatic fantasy is a documentary-like program feature with a message—that the American people must not take for granted the freedom they enjoy lest they one day awaken and find themselves under the stranglehold of a Nazi-type dictatorship. The first part of the picture is extremely interesting, but as the action progresses one's interest in the subject wanes and it becomes somewhat tedious because much of what transpires is repetitive. At times, it strives too hard to hammer home its message. The picture has something important to say in view of present world conditions, but since it is a grim entertainment from start to finish it would best fit on the lower half of a double-bill in support of a light-hearted main feature:—

Returning home after a two weeks' vacation in the North Woods, during which time he was out of touch with civilization, Claude Rains finds the streets of his town deserted. The few persons that he encounters appear strangely terrified and refuse to answer his questions. Alarmed and perturbed, he rushes home only to find his house empty and his wife and children gone. As he frantically calls for them, two strangers enter, beat him mercilessly, and place him under arrest. He is taken before Martin Kosleck, who beats him severely when he demands the right to get in touch with a lawyer. Kosleck informs him that, during his vacation, most of America had been taken over by Nazi cohorts, who were imposing the same brand of totalitarian government that had been imposed on Germany. Bruised and battered, Rains is dragged back to his cell and left for dead. In retrospect, his mind carries him back to the happy days when he and his family were free citizens living under the protection of a democracy, and he realizes that liberty is not a gift but something precious, which must be fought for throughout one's life. He awakens and realizes that he had been having a bad dream, but he determines that a Nazi form of government must never happen here.

The screen play was written, produced, and directed by Arch Oboler. The cast includes Gloria Holden, Milton Kibbee and others.

Unobjectionable morally.

"Wild Beauty" with Don Porter and Lois Collier

(Universal, Aug. 9; time, 61 min.)

Just a moderately entertaining program melodrama, best suited for the juvenile trade in small-town and neighborhood theatres. Although its story about an Indian boy's love for a horse presents some human interest situations, it is most unimaginative and is developed in so obvious a fashion that one knows in advance just what will happen and becomes bored by the time the picture is half finished. At no time does it impress one with either its drama or its comedy. The best that can be said for it is that stock shots of wild horse scenes have been used to good advantage. The performances are barely adequate, but considering the fact that the story is too weak to stand up, the players are not to blame:—

Arriving at an Indian reservation in Arizona to teach school, Lois Collier is welcomed by Don Porter, the local white doctor. She begins her duties and takes exception when she discovers that Buzz Henry, an Indian orphan, who was Porter's protegee, was permitted to stay away from school in order to raise and train "Wild Beauty," a colt, whose life he and Porter had saved. Lois compels the boy to forget the colt and to attend classes. Heartbroken, Buzz runs away from home to join his colt in the hills. Porter institutes a search and, after several days, finds the boy exhausted and ill. Infuriated, Porter asks Lois to resign. Realizing that she had been inconsiderate, she submits her resignation and goes to Buzz to beg his forgiveness. Porter, in love with her, tears up the resignation and asks her to remain. Complications arise when Robert Wilcox, Lois' Eastern boy-friend, arrives in town and learns that she had shifted her attentions to Porter. So that his trip West would not be a total loss, Wilcox cooks up a scheme to round up the wild horses in the territory, slaughter them, and ship their hides to his shoe factory. His henchmen drive hundreds of horses into a huge corral, but the scheme backfires when "Wild Beauty," sensing the danger, smashes down the gate and permits the animals to escape back into the hills. It all ends with Porter giving Wilcox a sound thrashing before he returns East and with Buzz and "Wild Beauty" reuniting in the hills, while Porter gathers Lois into his arms.

Adele Buffington wrote the original screen play, and Wallace Fox produced and directed it. The cast includes Jacqueline De Wit, George Cleveland and others.

"Cuban Pete" with Desi Arnaz and Joan Fulton

(Universal, July 26; time, 61 min.)

From the musical point of view, this program comedy is fairly entertaining. Aside from the music, however, there is nothing much that the picture offers. The story is silly, slow-moving, and tires one; and the comedy is forced. Whatever entertainment value the picture has is owed mainly to the talents of Desi Arnaz, who, together with his band, puts over the Latin-American musical numbers in an entertaining way. The King Sisters, too, contribute several song numbers. One sequence, which seems to have been dragged in to give the picture additional marquee value, features Ethel Smith at the organ:—

Jacqueline De Wit, a scatter-brained perfume manufacturer, orders Don Porter, her advertising agent, to sign Arnaz and his obscure Cuban band for her forthcoming radio show. Unable to persuade Arnaz to come to New York, Porter sends his assistant, Joan Fulton, to Havana to try her feminine allure on the bandleader. Arnaz finds himself smitten with Joan, but he refuses to make the trip. Joan, however, ingratiates herself with little Beverly Simmons, his niece, and induces the child to persuade her uncle to change his mind. In New York, complications arise when Arnaz learns that Jacqueline, who had a raucous voice, had made up her mind to sing with his band. He insists that she withdraw from the program, threatening to go back to Havana. Meanwhile Jacqueline, learning of Beverly's influence with her uncle, decides to be nice to the child in the hope that she would induce him to allow her to sing with the band. Jacqueline's scheme hits a snag, however, when she unwittingly gets herself involved on a false charge of kidnapping Beverly and finds herself jailed. Taking advantage of the situation, Joan offers to use her influence to free Jacqueline in return for her promise not to insist upon singing with the band. Jacqueline willingly agrees, and it all ends with Arnaz scoring a huge success on the radio, thus paving the way for a romance between Joan and himself.

Robert Pressnell, Sr. and M. Coates Webster wrote the screen play from an original story by Bernard Feins. Howard Welsch produced it, and Jean Yarbrough directed it.

Unobjectionable morally.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912, AND MARCH 3, 1933, OF HARRISON'S REPORTS, published Weekly at New York, N. Y., for Oct. 1, 1946.

State of New York.

County of New York.

Before me, a Notary Public, in and for the State and County aforesaid, personally appeared Al Picoult, who, having been duly sworn according to law, deposes and says that he is the Managing Editor of the HARRISON'S REPORTS and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, as amended by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business manager, are:

Publisher, *Harrison's Reports, Inc.*, 1270 6th Ave., New York 20, N. Y.
Editor, *P. S. Harrison*, 1270 6th Ave., New York 20, N. Y.
Managing Editor, *Al Picoult*, 1270 6th Ave., New York 20, N. Y.
Business Manager, *None*.

2. That the owner is: *Harrison's Reports, Inc.*, 1270 6th Ave., New York 20, N. Y.

P. S. Harrison, 1270 6th Ave., New York 20, N. Y.

3. That the known bondholders, mortgagees and other security holders owning or holding 1 per cent, or more of total amount of bonds, mortgages, or other securities are: *None*.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation, has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

5. That the average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the twelve months preceding the date show above is 2283.

(Signed) AL PICOULT,
(Managing Editor).

Sworn to and subscribed before me this 30th day of September, 1946.

MICHAEL M. THALER,
(My commission expires March 30, 1948.)

position by devices which compel everyone to trade with him exclusively that the situation becomes legally objectionable."

Other quotations from the opinion of the Court on this subject are given in the section of this article devoted to "Monopolizing." There it was pointed out, with the citation of authorities, that monopolizing may consist, not only of "monopolistic practices" for the purpose of eliminating competition, but also of the intentional acquisition and exercise of monopolistic power, even without predatory practices directed toward the destruction of competitors. A summary was also given of the violations of law which led to the orders requiring divestiture of theatres by the Crescent and Schine circuits.

At this time it might seem that no useful purpose would be served by engaging in an extensive analysis of the conclusion of the Statutory Court's denying complete divestiture. The opinion discloses considerable knowledge of the intricacies of the motion picture industry and a desire to mete out exact and impartial justice. Moreover, an appeal will undoubtedly be taken and all controverted issues ultimately adjudicated by the Supreme Court.

But, in view of the fact that the chief purpose of the Government in instituting the litigation was to secure an order for complete divestiture, and because of the overwhelming interest manifested in this issue by all persons engaged in the motion picture industry, it may be not inadvisable to consider if, under the standards already established, the findings of the Court indicate that the defendant exhibitors and their distributing affiliates have monopolized or attempted to monopolize any part of interstate trade, and whether any one or more of the defendants, separately considered, constituted a combination in restraint of trade.

From the findings of the Court it is obvious that no single defendant or any combination of defendants has attained a complete national monopoly in the exhibition field. But it is equally clear that, irrespective of the methods employed, one or more of the defendants has, in many cities, obtained what is the equivalent of monopolistic control of prior-run exhibition.

⁶⁴HARRISON'S REPORTS, September 7, 1946.

⁶⁵HARRISON'S REPORTS, September 21, 1946.

(Continued next week)

MARY PICKFORD COMES TO THIS PAPER'S SUPPORT ON BREEN

In my reply to the abusive and irascible letter of Joe Breen, which I published in the second section of last week's issue, I insisted that Mr. Breen is showing decided partiality towards the major companies in his approval of what may be shown in pictures, but that he is very strict with the independent producers. Mary Pickford now comes forward with a similar accusation; it was printed in the September 25 issue of weekly *Variety*.

I am reproducing the entire interview with the permission of *Variety*.

"Administration of the Motion Picture Association's Production Code is loaded in favor of the Big Five and is hurting the indies, Mary Pickford charged in New York yesterday (Tuesday). She said she was planning to canvass independent producers on her return to the Coast next week with a view toward getting changes made which would give indies equal voice with the majors in judgment on PCA-ordered deletions and alterations.

"As things stand now," Miss Pickford told *Variety*, "the Big Five are both Congress and the Supreme Court. They not only make the rules, but they sit in judgment on the operation of them, so that an independent has no recourse. Inasmuch as we must live under the Code, we want some say in its content and administration."

"Miss Pickford, a one-third owner of United Artists, made clear that 'The Outlaw,' which UA is distributing, had nothing to do with her resentment. She said she felt qualified to talk on the subject of the Code since her name had always been associated with nothing but the cleanest of pictures.

"The Code is administered one way for the Big Five members, who control its administration, and another way for indies, Miss Pickford declared.

"This echoes a charge made by British producers recently that American pictures were treated more leniently by Joe Breen, PCA administrator, than were English productions.

"Miss Pickford said she knew of a number of specific instances of unjust treatment of indie films by the PCA, which she is certain would not have occurred had they come from the majors. She mentioned difficulties by David O. Selznick on 'Gone With the Wind' and, more recently, Lester Cowan on 'Story of G.I. Joe.' Miss Pickford, incidentally, this week announced a producing partnership with Cowan.

"She indicated that the leniency which Big Five members showed to each other was conscious or unconscious logrolling. 'They're big boys, you know,' she said.

"Former star pointed out that she was not quarreling with the Code itself, but felt that everyone who must live and abide by it—including writers, directors and producers—should have a hand in determining its contents and administration. She pointed out, for instance, that a writer's reputation might be seriously injured by a deletion or change ordered by the PCA, and yet he had no representation in the Code Administration.

"Should her ideas on broadening the PCA be in line with those of other indies they will ask Donald Nelson, head of the Society of Independent Producers, to take action, Miss Pickford said. 'The Code belongs as much to the SIMPP as to the MPA,' she asserted."

Is Mr. Breen going to send Miss Pickford an abusive letter because of her statement?

COOPERATION

At the Allied Convention in Boston, George Jessel was to be the toastmaster at the banquet. But certain production matters in Hollywood made it impossible for Mr. Jessel to leave and he so notified Nathin Yamins, Chairman of the convention.

When Mr. Yamins received the news, he called up Mr. Spyros Skouras, president of Twentieth Century-Fox Film Corporation, and told him of his predicament. Mr. Skouras then said to Mr. Yamins to let him think the matter over for a few minutes to see what he could do and that he would call him back in a short time.

Mr. Skouras then got busy: he communicated with Monte Proser, owner of the famous Copacabana, of New York City, asking him if he would not do him the favor of letting Phil Silvers cancel the early evening's engagement to act as a toastmaster at the exhibitors banquet. Mr. Proser said he would gladly do so if Mr. Silvers would go.

Mr. Proser spoke to Silvers, and Mr. Silvers expressed his gladness to go.

Mr. Skouras arranged for Mr. Silvers to take an early plane for Boston.

When Mr. Silvers arrived in Boston, Sam Shain, public relations man for 20th, had ten exhibitor leaders at the airport to receive Mr. Silvers, and flowers and refreshments were placed at his disposal by Mr. Yamins. When Mr. Silvers appeared at the banquet he was surprised by the reception that was given him by the exhibitors. This put him into a fine mood, and his work as master of ceremonies made a hit.

All this cost the exhibitors nothing, but Mr. Skouras will be remembered by the exhibitors for the promptness with which he came to their rescue.

HARRISON'S REPORTS

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NEW YORK, N. Y., SATURDAY, OCTOBER 5, 1946

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No Leave, No Love—MGM (119 min.)	139
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Rio Grande Raiders—Republic (56 min.)	not reviewed
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RELEASE SCHEDULE FOR FEATURES

Columbia Features

(729 Seventh Ave., New York 19, N. Y.)

1945-46

7011 The Walls Came Tumbling Down—Bowman-Chapman	June 7
7003 Renegades—Keyes-Parker	June 13
7037 Dangerous Business—Merrick-Tucker	June 20
7032 The Return of Rusty—Donaldson-Litel	June 27
7027 The Unknown—Morley-Bannon	July 4
7209 The Desert Horseman—Charles Starrett (60 m.)	July 11
7223 Cowboy Blues—Western Musical (66 m.)	July 18
7033 Sing While You Dance—Drew-Stanton	July 25
7039 Personality Kid—Duane-Louise	Aug. 8
7210 Heading West—Charles Starrett (54 m.)	Aug. 15
7038 It's Great To Be Young—Brooks-Lord	Sept. 12
7002 Gallant Journey—Ford-Blair	Sept. 17
Shadowed—Louise-Duane	Sept. 26
7006 The Thrill of Brazil—Keyes-Wynn	Sept. 30

(End of 1945-46 Season)

Beginning of 1946-47 Season

805 So Dark the Night—Geray-Cheiral	Oct. 10
806 Blondie Knows Best—Lake-Singleton	Oct. 17

861 Landrush—Chas. Starrett (54 min.)	Oct. 17
816 Crime Doctor's Man Hunt—Baxter-Drew	Oct. 24

Metro-Goldwyn-Mayer Features

(1540 Broadway, New York 19, N. Y.)

1945-46

Block 16

618 The Hoodlum Saint—Powell-Williams	Apr.-May
619 Bad Bascomb—Beery-O'Brien	Apr.-May
620 Postman Always Rings Twice—Garfield-Turner	Apr.-May
621 The Last Chance—Foreign-made	Apr.-May
622 Two Sisters from Boston—Durante-Allyson	Apr.-May

Block 17

625 Boys' Ranch—Jenkins-Homeier	July 18
626 Courage of Lassie—Taylor-Morgan	Aug. 8
627 Faithful in My Fashion—Reed-Drake	Aug. 22
628 Three Wise Fools—O'Brien-Barrymore	Aug. 29

Specials

605 Weekend at the Waldorf—All star	Oct.
616 Adventure—Gable-Garson	Mar.
617 Ziegfeld Follies of 1946—All-star cast	Mar.
623 The Green Years—Coburn-Drake	July 4
624 Easy to Wed—Johnson-Williams-Ball	July 25

(End of 1945-46 Season)

Beginning of 1946-47 Season

The Cockeyed Miracle—Morgan-Wynn	Oct.
No Leave, No Love—Johnson-Wynn	Oct.
Rage in Heaven—Montgomery-Bergman (reissue) ...	Oct.

Monogram Features

(630 Ninth Ave., New York 19, N. Y.)

1945-46

562 Gentleman from Texas—J. M. Brown (60 m.)	June 8
508 Don't Gamble with Strangers—Richmond-Hayes	June 22
510 In Fast Company—Bowery Boys	June 22
515 Freddie Steps Out—Stewart (re.)	June 29
574 Trail to Mexico—Jimmy Wakely (56 m.)	June 29
521 Strange Voyage—Eddie Albert	July 6
530 South of Monterey—Cisco Kid (63 m.)	July 13
511 Bowery Bombshell—Bowery Boys	July 20
518 Shadows Over Chinatown—Toler	July 27
520 Below the Deadline—Douglas-Ames	Aug. 3
567 Shadows on the Range—J. M. Brown (57 m.) (re.)	Aug. 10
525 Missing Lady—Richmond-Reed	Aug. 17
512 Spook Busters—Bowery Boys	Aug. 24
517 High School Hero—Stewart-Preisser	Sept. 7
531 Beauty & the Bandit—Roland-Ames	Oct. 19
563 Silver Range—J. M. Brown	Nov. 2

(More to Come)

Beginning of 1946-47 Season

601 Decoy—Norris-Gillie	Sept. 14
603 Dangerous Money—Sidney Toler	Oct. 5
Wife Wanted—Kay Francis	Oct. 12
607 Gentleman Joe Palooka—Kirkwood-Knox	Oct. 19
Bringing Up Father—Joe Yule	Nov. 2
Mr. Hex—Bowery Boys	Nov. 9
Sweetheart of Sigma Chi—Regan-Knox	Nov. 16
Song of the Sierras—Jimmy Wakely	Nov. 23

Special

699 Suspense—Belita-Sullivan	June 15
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Paramount Features

(1501 Broadway, New York 18, N. Y.)

1945-46

Block 5

4521 The Bride Wore Boots—Stanwyck-Cummings	May 31
4522 Our Hearts Were Growing Up—Russell-Lynn	June 14
4523 Hot Cargo—Gargan-Reed	June 28
4524 To Each His Own—Olivia De Havilland	July 5

Block 6

- 4526 O.S.S.—Ladd-Fitzgerald July 26
 4527 The Searching Wind—Young-Sidney Aug. 9
 4528 Swamp Fire—Weissmuller-Crabbe Sept. 6
 4529 Strange Love of Martha Ivers—Stanwyck-Heflin Sept. 13

Special

- 4531 Road to Utopia—Crosby-Hope Mar. 22
 4532 Monsieur Beaucaire—Bob Hope Aug. 30
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- R5-3620 Jungle Princess—Reissue Sept. 1
 R5-3624 The Plainsman—Reissue Sept. 1
 4601 Two Years Before the Mast—Ladd-Bendix Nov. 22
 4602 Blue Skies—Crosby-Astaire Dec. 27

PRC Pictures, Inc. Features

(625 Madison Ave., New York 22, N. Y.)

1945-46

- Avalanche—Cabot-Borg June 20
 Colorado Serenade—Eddie Dean (68 m.) June 30
 Larceny in Her Heart—Beaumont-Walker July 10
 Prairie Bad Men—Buster Crabbe (55 m.) July 17
 Queen of Burlesque—Young-Ankers July 24
 Terrors on Horseback—Buster Crabbe (55 m.) Aug. 14
 Down Missouri Way—Wright-O'Driscoll Aug. 15
 Secrets of a Sorority Girl—Ware-Vallin Aug. 15
 Overland Riders—Buster Crabbe Aug. 21
 Blonde for a Day—Beaumont-Walker Aug. 29
 Strange Holiday—Claude Rains Sept. 2
 Outlaw of the Plains—Crabbe (56 m.) Sept. 22
 Accomplice—Richard Arlen Sept. 29
 Gas House Kids—Lowery-Loring Oct. 7
 Lady Chaser—Lowery-Savage (formerly "Lady Killer") Oct. 21
 Don Ricardo Returns—Coby-Isabelita Oct. 21
 Lighthouse—Litel-Lang Nov. 1
 (More to Come)

Beginning of 1946-47 Season

- Her Sister's Secret—Lindsay-Reed Sept. 23
 Driftin' River—Eddie Dean Oct. 1
 The Brute Man—Neal-Adams Oct. 1
 Tumbleweed Trails—Eddie Dean Oct. 28
 Wild West—Eddie Dean (formerly "Melody Roundup") Nov. 1
 Stars Over Texas—Eddie Dean Nov. 18

Republic Features

(1790 Broadway, New York 19, N. Y.)

1945-46

- 521 One Exciting Week—Al Pearce June 8
 5502 Man from Rainbow Valley—Monte Hale (56 m.) June 15
 522 Traffic in Crime—Richmond-Mara June 28
 524 Specter of the Rose—Kurov-Essen July 5
 5541 My Pal Trigger—Roy Rogers (79 m.) July 10
 523 Night Train to Memphis—Acuff-Lane-Mara July 12
 525 Rendezvous with Annie—Albert-Patrick July 22
 568 Conquest of Cheyenne—Elliott (56 m.) July 22
 557 Red River Renegades—Sunset Carson (55 m.) July 25
 526 The Inner Circle—Douglas-Roberts Aug. 7
 527 The Last Crooked Mile—Barry-Savage Aug. 9
 528 G. I. War Brides—Ellison-Lee Aug. 12
 529 Invisible Informer—Stirling-Henry Aug. 19
 530 Earl Carroll Sketchbook—Moore-Marshall Aug. 22
 541 Under Nevada Skies—Roy Rogers (69 m.) Aug. 26
 531 Mysterious Mr. Valentine—Stirling-Henry Sept. 3
 558 Rio Grande Raiders—Carson (56 m.) Sept. 9
 542 Roll on Texas Moon—Roy Rogers (68 m.) Sept. 12
 Last Frontier Uprising—Monty Hale Oct. 22
 Home in Oklahoma—Roy Rogers Nov. 8
 (More to Come)

Beginning of 1946-47 Season

Special

- I've Always Loved You—Dorn-McLeod Not set

RKO Features

(1270 Sixth Ave., New York 20, N. Y.)

(No national release dates)

1945-46

Block 5

- 621 Without Reservations—Colbert-Wayne
 622 Badman's Territory—Scott-Richards
 623 Ding Dong Williams—McGuire-Vernon
 624 The Truth About Murder—Granville-Conway
 625 Partners in Time—Lum and Abner

Block 6

- 626 Till the End of Time—McGuire-Madison
 627 Crack-Up—O'Brien-Trevor-Marshall
 628 Bedlam—Karloff-Lee
 629 The Falcon's Alibi—Conway-Corday
 630 The Bamboo Blonde—Langford-Wade

Specials

- 681 Along Came Jones—Cooper-Young
 651 Wonder Man—Danny Kaye
 691 Wonderful Adventures of Pinocchio—(reissue)
 661 Bells of St. Mary's—Crosby-Bergman
 682 Tomorrow is Forever—Colbert-Welles-Brent
 692 Make Mine Music—Disney
 683 The Stranger—Robinson-Welles-Young

(End of 1945-46 Season)

Beginning of 1946-47 Season

Block 1

- 701 Sister Kenny—Russell-Knox
 702 Lady Luck—Hale-Young-Morgan
 703 Step by Step—Tierney-Jeffries
 704 Sunset Pass—James Warren
 705 Great Day—English cast

Block 2

- Child of Divorce—Moffett-Toomey
 Nocturne—Raft-Bari
 Criminal Court—Conway-O'Driscoll
 Genius at Work—Carney-Brown
 Deadlier Than the Male—Slezak-Trevor

Specials

- 761 Notorious—Bergman-Grant

Twentieth Century-Fox Features

(444 W. 56th St., New York 19, N. Y.)

- 628 Cluny Brown—Jones-Boyer June
 629 Somewhere in the Night—Hodiak-Guild June
 630 Strange Triangle—Foster-Hasso June
 631 Smoky—MacMurray-Baxter July
 632 It Shouldn't Happen to a Dog—Landis-Joslyn July
 633 Centennial Summer—Crain-Wilde Aug.
 634 Anna and the King of Siam—Harrison-Dunne Aug.
 635 Deadline for Murder—Taylor-Ryan Aug.
 636 Black Beauty—Freeman-Denning Sept.
 637 Claudia and David—Young-McGuire Sept.
 638 If I'm Lucky—Blaine-James Sept.
 641 Sun Valley Serenade—Reissue Sept.
 642 The Bowery—Reissue Oct.
 639 Three Little Girls in Blue—Haver-Blaine Oct.
 643 Strange Journey—Kelly-Massen Oct.
 640 Home Sweet Homicide—Garner-Scott Oct.
 644 Wanted for Murder—English-made Nov.
 645 My Darling Clementine—Fonda-Darnell Nov.
 646 Margie—Crain-Young Nov.

United Artists Features

(729 Seventh Ave., New York 19, N. Y.)

1945-46

- A Night in Casablanca—Marx Bros. May 10
 A Scandal in Paris—Sanders-Hasso July 19
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- Mr. Ace—Rait-Sidney Aug. 2
 Caesar and Cleopatra—Leigh-Rains Aug. 16
 The Bachelor's Daughters—Dvorak-Trevor Sept. 6
 Angel on My Shoulder—Muni-Baxter-Rains Sept. 20
 Little Iodine—Jo Ann Marlowe Oct. 11
 Strange Woman—Lamarr-Sanders Oct. 25

Universal Features

(1270 Sixth Ave., New York 20, N. Y.)

- 536 Lover Come Back—Brent-Ball June 21
 537 Inside Job—Foster-Rutherford June 28
 538 Her Adventurous Night—O'Keefe-Walker July 5
 539 Danger Woman—Joyce-Porter July 12
 540 The Dark Horse—Terry-Savage July 19
 541 Canyon Passage—Andrews-Donlevy-Hayward July 26
 542 Cuban Pete—Arnaz-De Wit July 26
 543 The Black Angel—Duryea-Vincent-Lorre Aug. 2
 544 Slightly Scandalous—Brady-Drew Aug. 2
 1105 Rustler's Roundup—Kirby Grant (56 m.) Aug. 9
 545 Wild Beauty—Porter-Collier Aug. 9
 546 The Time of Their Lives—Abbott & Costello Aug. 16
 1106 Lawless Breed—Kirby Grant (56 m.) Aug. 16
 547 Dead of Night—English cast Aug. 23
 1107 Gunman's Code—Kirby Grant (54 m.) Aug. 30
 548 The Killers—Lancaster-Gardner Aug. 30
 549 Little Miss Big—Simmons-Holden Aug. 30
 550 White Tie and Tails—Duryea-Raines Aug. 30

Warner Bros. Features

(321 W. 44th St., New York 18, N. Y.)

1945-46

519	One More Tomorrow—Sheridan-Morgan....	June 1
520	Janie Gets Married—Leslie-Hutton.....	June 22
521	A Stolen Life—Davis-Ford	July 6
522	Of Human Bondage—Henreid-Parker.....	July 20
523	Night and Day—Grant-Smith-Martin.....	Aug. 3
524	Two Guys from Milwaukee—Morgan-Carson.	Aug. 17

(End of 1945-46 Season)

Beginning of 1946-47 Season

601	The Big Sleep—Bogart-Bacall.....	Aug. 31
602	Shadow of a Woman—King-Dantine.....	Sept. 14
603	Cloak and Dagger—Cooper-Palmer	Sept. 28
604	Nobody Lives Forever—Garfield-Fitzgerald	Oct. 12
605	Deception—Davis-Henried-Rains	Oct. 26

SHORT SUBJECT RELEASE SCHEDULE**Columbia—One Reel****1945-46**

7703	Snap Happy Traps—Phantasy (6½ m.)....	June 6
7860	Screen Snapshots No. 10 (9½ m.).....	June 10
7660	Community Sings No. 10 (10 m.).....	June 13
7956	Dick Stabile & Orch.—Film Vodvil.....	June 16
7503	Picnic Panic—Col. Rhap. (6 m.).....	June 20
7809	Flying Hoofs—Sports (9 m.).....	June 27
7704	The Schooner the Better—Phantasy (6½ m.)	July 4
7661	Community Sings No. 11 (9 m.).....	July 11
7957	Saxie Dowell & Orch.—Film Vodvil (10 m.)	July 18
7602	Cagey Bird—Flippy (6½ m.).....	July 18
7662	Community Sings No. 12 (10½ m.).....	Aug. 1
7958	Bobby Byrnes & Orch.—Film Vodvil	Aug. 15
	(10 m.)	Aug. 15
7810	Deep Sea Fishing—Sports (9 m.).....	Aug. 15
7754	Mysto Fox—Fox & Crow (7 m.).....	Aug. 29
7603	Silent Treatment—Flippy (6½ m.).....	Sept. 19

(End of 1945-46 Season)

Beginning of 1946-47 Season

8851	Screen Snapshots No. 1.....	Sept. 5
8651	Community Sings No. 1.....	Sept. 12
8951	Jerry Wald & Orch.—Thrills of Music.....	Sept. 12
8801	Army Football Champions—Sports (11 m.)	Sept. 19
8852	Screen Snapshots No. 2	Oct. 3
8652	Community Sings No. 2	Oct. 10
8952	Machito & Orchestra—Thrills of Music	Oct. 17
8120	Son of the Guardsman—Serial (15 ep.)....	Oct. 24
8802	Tenpin Magic—Sports	Oct. 24
8501	Loco Lobo—Color Rhapsody	Oct. 31

Columbia—Two Reels**1945-46**

7410	Ain't Love Cuckoo?—Schilling (19 m.)....	June 6
7407	Monkey Businessmen—Stooges (18 m.)....	June 20
7408	Three Loan Wolves—Stooges (16½ m.)....	July 4
7411	You Can't Fool a Fool—Clyde (17 m.)....	July 11
7180	Chick Carter, Detective—Serial (15 ep.)....	July 11
7412	Hot Water—Schilling-Lane (18½ m.)....	July 25
7427	Mr. Wright Goes Wrong—Holloway (19m.)	Aug. 1
7428	Headin' for a Weddin'—Vera Vague.....	Aug. 15

(End of 1945-46 Season)

Beginning of 1946-47 Season

8401	G. I. Wanna Go Home—Stooges (15½ m.)	Sept. 5
8421	Pardon My Terror—Schilling-Lane 16½m.	Sept. 12
8431	Society Mugs—Howard (16 m.).....	Sept. 19
8402	Rhythm and Weep—Stooges (17½ m.)	Oct. 3
8432	So's Your Antenna—Von Zell	Oct. 10
8422	Honeymoon Blues—Hugh Herbert (16 m.)	Oct. 17

Metro-Goldwyn-Mayer—One Reel**1945-46**

T-717	Looking at London—Traveltalk (10 m.)..	June 1
S-760	Treasures from Trash—Pete Smith (10 m.)	June 8
M-784	Bikini—The Atom Island—Miniature	June 15
	(10 m.)	June 15
W-737	The Hick Chick—Cartoon (7 m.).....	June 15
W-738	Trap Happy—Cartoon (7 m.).....	June 29
W-739	Northwest Hounded Police—Cartoon	Aug. 3
	(8 m.)	Aug. 3
T-718	Over the Seas to Belfast—Traveltalk (9m.)	Aug. 31
W-740	Solid Serenade—Cartoon (7 m.)	Aug. 31

(End of 1945-46 Season)

Beginning of 1946-47 Season

S-851	Football Thrills No. 9—Pete Smith	Sept. 7
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Metro-Goldwyn-Mayer—Two Reels

A-702	Purity Squad—Special (20 m.)	Nov. 3, '45
A-703	Traffic with the Devil—Special	Aug. 31

(End of 1945-46 Season)

Paramount—One Reel**1945-46**

P5-3	Old MacDonald Had a Farm—Novel. (7 m.)	June 7
E5-4	Peep in the Deep—Popeye (7 m.).....	June 7
Y5-5	The Lonesome Stranger—Speak. of Animals	June 14
	(10 m.)	June 14
J5-5	Popular Science No. 5 (10 m.).....	June 21
R5-9	Birds Make Sport—Spotlight (9 m.).....	June 21
P5-4	Sheep Shape—Noveltoon (7 m.).....	June 28
L5-5	Unusual Occupations No. 5 (10 m.).....	July 12
R5-10	Feminine Class—Spotlight (10 m.).....	July 19
D5-3	Bored of Education—Little Lulu (7 m.)....	July 26
E5-5	Rocket to Mars—Popeye (6 m.).....	Aug. 9
D5-4	Chick and Double Chick—Little Lulu (6m.)	Aug. 16
E5-6	Rodeo Romeo—Popeye (6 m.).....	Aug. 16
J5-6	Popular Science No. 6 (10 m.).....	Aug. 16
L5-6	Unusual Occupations No. 6 (10 m.).....	Aug. 30
Y5-6	Be Kind to Animals—Speak. of Animals	Aug. 30
	(10 m.)	Aug. 30
U5-6	Don Henry & Inky Poo—Puppetoon (6 m.)	Sept. 6
U5-5	Jasper's Derby—Puppetoon (8 m.).....	Sept. 20
P5-5	Goal Rush—Noveltoon (6 m.).....	Sept. 27
P5-6	Sudden Fried Chicken—Noveltoon (7 m.)...	Oct. 18
U5-7	Jasper in a Jam—Puppetoon (7 m.).....	Oct. 18
D5-5	Musica Lulu—Little Lulu (7 m.)	Nov. 15
E5-7	Fistic Mystic—Popeye (6 m.)	Nov. 29
D5-6	A Scout with a Gout—Little Lulu	Dec. 13
U5-8	Shoe Shine Jasper—Puppetoon	Dec. 20
E5-8	Island Fling—Popeye	Dec. 27

(More to Come)

Beginning of 1946-47 Season

R6-1	Race Horses are Born—Sportlight (9 m.)...	Oct. 4
P6-1	Spree for All—Noveltoon (7 m.)	Oct. 4

Paramount—Two Reels

T5-2	Don't Be a Sucker—Special (18 m.).....	July 4
FF5-4	A Tale of Two Cafes—Musical Par. (18 m.)	July 5
FF5-5	Double Rhythm—Musical Parade (20 m.)...	Aug. 23
FF5-6	Golden Slippers—Musical Par. (16 m.)...	Nov. 15

(End of 1945-46 Season)

Republic—Two Reels

583	Daughter of Don Q—Serial (12 ep.).....	July 27
584	Crimson Ghost—Serial (12 ep.).....	Oct. 26

RKO—One Reel

64106	Squatter's Right—Disney (7 m.).....	June 7
63411	Ben Hogan—Sportscope (9 m.).....	June 14
64107	Donald's Double Trouble—Disney (7 m.)...	June 28
64108	The Purloined Pup—Disney (7 m.).....	July 19
64312	Palmetto Quail—Sportscope (8 m.).....	July 19
64109	Wet Paint—Disney (7 m.)	Aug. 9
64110	Dumb-bell of the Yukon—Disney (7 m.) ..	Aug. 30
64111	Lighthouse Keeping—Disney (7 m.).....	Sept. 20

RKO—Two Reels

63109	Port of New York—This Is America	June 28
	(16 m.)	June 28
63404	Wall Street Blues—Ed. Kennedy (17 m.)...	July 12
63705	I'll Take Milk—Errol (18 m.)	July 19
63405	Motor Maniacs—Ed. Kennedy (18 m.) ..	July 26
63110	Courtship to Courthouse—This Is America	July 26
	(18 min.)	July 26
63111	Highway Mania—This Is America (17 m.)	Aug. 31
63406	Noisy Neighbors—Ed. Kennedy (17 m.) ..	Sept. 20
63706	Follow that Blonde—Leon Errol (18 m.)	Sept. 27

Twentieth Century-Fox—One Reel**1945-46**

6517	Dinky Finds a Home—Terrytoon.....	June 7
6355	Golden Horses—Sports (8 m.).....	June 26
6518	Mighty Mouse in The Johnston Flood—Terry	June 28
	(7 m.)	June 28
6260	Across the Great Divide—Adventure (8 m.)	July 5
6519	Gandy Goose in Peacetime Football—Terry	July 19
	(7 m.)	July 19
6520	Gandy Goose in The Golden Hen—Terry	July 24
	(7 m.)	July 24

(End of 1945-46 Season)

Beginning of 1946-47 Season

7251	Sons of Courage—Adventure (8 m.).....	Aug. 2
7501	Winning the West (Mighty Mouse)—Terry	Aug. 16
	(7 m.)	Aug. 16
7301	Football Fanfare—Sports (9 m.).....	Aug. 23
7502	The Tortoise Wins Again—Terrytoon	Aug. 30
	(7 m.)	Aug. 30
7503	The Electronic Mouse Trap (Mighty Mouse)—	Sept. 6
	Terrytoon (7 m.)	Sept. 6
7252	Jamaica—Adventure (8 m.)	Sept. 13

- 7504 The Jail Break (Mighty Mouse)—Terry.
(7 m.)Sept. 20
7351 Winter Holiday—Sports (8 m.).....Sept. 27
7505 The Snow Man—Terrytoon (7 m.).....Oct. 11
7253 Historic Capetown—Adventure (8 m.)Oct. 18
7506 The Housing Problem—Terrytoon (7 m.)...Oct. 25
7352 Summer Trails—Sports (8 m.)Nov. 8
7507 Crackpot King (Mighty Mouse—Terrytoon
(7 min.)Nov. 15
7254 Girls and Gags—Adventure (8 m.)Nov. 22
7508 Uninvited Pests (Talking Magpies)—
Terrytoon (7 min.)Nov. 28
7509 The Hep Cat (Mighty Mouse—Terry. (7m.) Dec. 6
7353 Playtimes Journey—Sports (8 m.)Dec. 13
7510 Beanstalk Jack—Terrytoon (7 m.)Dec. 20

Twentieth Century-Fox—Two Reels 1945-46

- Vol. 12 No. 11—Problem Drinkers—
March of Time (19 m.).....June 14
Vol. 12 No. 12—The New France—
March of Time (20 m.).....July 12
Vol. 12 No. 13—Atomic Power—
March of Time (19 m.).....Aug. 9
(End of 1945-46 Season)

Beginning of 1946-47 Season

- Vol. 13 No. 1—Is Everybody Happy?—
March of Time (18 m.).....Sept. 6

United Artists—One Reel

- The Flying Jeep—Daffy Dittys (7 m.)Aug. 20, '45
The Lady Said No—Daffy Dittys (8 m.).....Apr. 26
Choo Choo Amigo—Daffy Dittys (8 m.)July 5
Pepito's Serenade—Daffy Dittys (7½ m.)Aug. 16

Universal—One Reel

- 1369 Scientifically Stung—Per. Odd. (9 m.).....June 10
1370 Lone Star Padre—Per. Odd. (9 m.).....June 17
1349 Dog of the 7 Seas—Var. Views (9 m.).....June 17
1325 Who's Cooking Who—Cartune (7 m.).....June 24
1371 Artist's Antics—Per. Odd. (9 m.).....June 24
1326 Bathing Buddies—Cartune (7 m.).....July 1
1372 Picture Pioneer—Per. Odd. (9 m.).....July 1
1350 Magic Mineral—Var. Views (9 m.).....July 1
1351 Mr. Chimp at Home—Var. Views (9 m.)...Aug. 12
1373 Hobo Hound—Per. Odd (9 m.).....Aug. 19
1374 Samson Jr.—Per. Odd (9 m.).....Aug. 19
1327 Reckless Driver—Cartune (7 m.).....Aug. 26
1352 Operation Holiday—Var. Views (9 m.)....Aug. 26
1353 Mr. Chimp to the Rescue—Var. Views
(9 m.)Aug. 26
1354 Mr. Chimp on Vacation—Var. Views
(9 m.)Aug. 26
1375 Rural Rhapsody—Per. Odd. (7 m.).....Aug. 26

Universal—Two Reels

- 1310 Swinging Down the Scale—Musical (15m.)..June 26
1311 Breakin' It Down—Musical (15 m.).....Aug. 28

Vitaphone—One Reel

- 2701 Kitty Kornered—Looney Tune (7 m.).....June 8
2310 Little Brother Rat—Cartoon (7 m.).....June 8
2702 Hollywood Daffy—Merrie Mel. (7 m.).....June 22
2311 Johnny Smith & Poker Huntas—Cartoon
(7 m.)June 22
2722 Acrobatty Bunny—Bugs Bunny (7 m.).....June 29
2509 The Riding Hannefords—Sports (10 m.)...June 29
2609 Musical Memories—Mel. Master (10 m.)...July 6
2312 Robinhood Makes Good—Cartoon (7 m.)...July 6
2703 Eager Beaver—Merrie Mel. (7 m.).....July 13
2704 Great Piggy Bank Robbery—Merrie Mel.
(7 m.)July 20
2804 Let's Go Camping—Adventure (10 m.)....July 27
2705 Bacall to Arms—Merrie Melody (7 m.)....Aug. 3
2512 Ranch in White—Sports (10 m.).....Aug. 3
2610 Enric Madriguera & Orch.—Mel. Mas.
(10 m.)Aug. 10
2806 Adventures in South America—Adventure
(10 m.)Aug. 10
2706 Of Thee I Sting—Merrie Mel. (7 m.).....Aug. 17
2313 Little Red Walking Hood—Cartoon (7 m.)...Aug. 17
2707 Walky Talky Hawky—Merrie Mel. (7 m.)...Aug. 31
2513 Dominion of Sports—Sports (10 m.).....Aug. 31
2723 Rackateer Rabbit—Bugs Bunny (7 m.)....Sept. 14
2708 Fair and Wormer—Merrie Mel. (7 m.)....Sept. 28
2724 Big Snooze—Bugs Bunny (7 m.).....Oct. 5
2709 Mousemerized Cat—Merrie Melody (7 m.)...Oct. 19
2710 Mouse Menace—Merrie Mel. (7 m.)Nov. 2
2725 Rhapsody Rabbit—Bugs Bunny (7 m.)....Nov. 9
2711 Roughly Speaking—Merrie Mel. (7 m.) ...Nov. 16

- 2712 One Meat Brawl—Merrie Mel. (7 m.)Nov. 30
2713 Goofy Gophers—Merrie Mel. (7 m.)Dec. 7
2714 Gay Antics—Merrie Mel. (7 m.)Dec. 21
2715 Scent-Imental Over You—Mer. Mel. (7 m.)..Dec. 28
(More to Come)

Beginning of 1946-47 Season

- 3501 King of the Everglades—Sports (10 m.)....Sept. 14
3301 Fox Pop—Blue Ribbon Cartoon (7 m.)....Sept. 28
3402 So You Want to Play the Horses—
Joe McDoakesOct. 5
3601 Dezi Arnaz & Band—Melody Master (10 m.)..Oct. 12
3302 Wackie Worm—Blue Ribbon Cartoon (7m.)..Oct. 12
3801 Star Spangled City—Adventure (10 m.)...Oct. 19
3502 Lazy Hunter—Sports (10 m.).....Oct. 26
3303 You're an Education—B. R. Cartoon (7 m.)..Oct. 26
3503 Battle of Champs—Sports (10 m.)Nov. 9
3401 So You Want to Save Your Hair—Joe
McDoakes (10 min.)Nov. 16
3802 Rubber River—Adventure (10 m.)Nov. 30
3304 Have You Got Any Castles—Blue Ribbon
Cartoon (7 min.)Dec. 7
3602 Melody of Youth—Melody Master (10 m.)...Dec. 14
3403 So You Think You're a Nervous Wreck—
Joe McDoakes (10 min.)Dec. 14
3504 American Sports Album—Sports (10 m.) ..Dec. 21

Vitaphone—Two Reels

- 2005 South of Monterey—Special (20 m.).....June 1
2006 Hawaiian Memories—Special (20 m.).....June 15
2007 Down Singapore Way—Special (20 m.)....July 20
2008 Men of Tomorrow—Special (20 m.).....Aug. 24
(End of 1945-46 Season)

Beginning of 1946-47 Season

- 3101 O. K. For Sound—Featurette (20 m.).....Sept. 7
3001 Cinderella's Feller—Special (20 m.).....Sept. 21
3002 The Last Bomb—Special (20 m.)Nov. 2
3102 Minstrel Days—Featurette (20 m.)Nov. 23
3003 A Boy and His Dog—Special (20 m.)Dec. 28

NEWSWEEKLY NEW YORK RELEASE DATES

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75115 Wed. (O) ..Oct. 9
75216 Sat. (E) ...Oct. 12
75117 Wed. (O) ..Oct. 16
75218 Sat. (E) ...Oct. 19
75119 Wed. (O) ..Oct. 23
75220 Sat. (E) ...Oct. 26
75121 Wed. (O) ..Oct. 30
75222 Sat. (E) ..Nov. 2
75123 Wed. (O) ..Nov. 6
75224 Sat. (E) ..Nov. 9
75125 Wed (O) ..Nov. 13
75226 Sat. (E) ..Nov. 16

Universal

- 542 Thurs. (E) ..Oct. 3
543 Tues. (O) ...Oct. 8
544 Thurs. (E) ..Oct. 10
545 Tues. (O) ...Oct. 15
546 Thurs. (E) ..Oct. 17
547 Tues. (O) ...Oct. 22
548 Thurs. (E) ..Oct. 24
549 Tues. (O) ...Oct. 29
550 Thurs. (E) ..Oct. 31
551 Tues. (O) ...Nov. 5
552 Thurs. (E) ..Nov. 7
553 Tues. (O) ...Nov. 12
554 Thurs. (E) ..Nov. 14
555 Tues. (O) ...Nov. 19

Fox Movietone

- 10 Thurs. (E) ..Oct. 3
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12 Thurs. (E) ..Oct. 10
13 Tues. (O) ...Oct. 15
14 Thurs. (E) ..Oct. 17
15 Tues. (O) ...Oct. 22
16 Thurs. (E) ..Oct. 24
17 Tues. (O) ...Oct. 29
18 Thurs. (E) ..Oct. 31
19 Tues. (O) ...Nov. 5
20 Thurs. (E) ..Nov. 7
21 Tues. (O) ...Nov. 12
22 Thurs. (E) ..Nov. 14
23 Tues. (O) ...Nov. 19

Paramount News

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12 Thurs. (E) ..Oct. 10
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14 Thurs. (E) ..Oct. 17
15 Sunday (O) ..Oct. 20
16 Thurs. (E) ..Oct. 24
17 Sunday (O) ..Oct. 27
18 Thurs. (E) ..Oct. 31
19 Sunday (O) ..Nov. 3
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News of the Day

- 208 Thurs. (E) ...Oct. 3
209 Tues. (O) ...Oct. 8
210 Thurs. (E) ..Oct. 10
211 Tues. (O) ...Oct. 15
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213 Tues. (O) ...Oct. 22
214 Thurs. (E) ..Oct. 24
215 Tues. (O) ...Oct. 29
216 Thurs. (E) ..Oct. 31
217 Tues. (O) ...Nov. 5
218 Thurs. (E) ...Nov. 7
219 Tues. (O) ...Nov. 12
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All American News

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No. 41

A Legal Analysis of the Statutory Court's Decision—No. 10

By George S. Ryan

(3) DIVESTITURE OF THEATRES (Continued)

It is settled law, as indicated by the quotation of the Court from the *Pullman Case*, that the mere fact that there is only one store in a town—or, it might be added, one first-run exhibitor in a city—does not constitute a monopoly in the legal sense. Conversely, it is "legally objectionable" if the merchant—or defendant exhibitor—"maintains his position by devices which compel every one to trade with him exclusively. . . ." And, as pointed out, an exhibitor is guilty of monopolizing or attempting to monopolize if he engages in practices designed to eliminate competition and thereby establish a monopoly.

With these undisputed principles of the anti-trust laws in mind, let us analyze the facts found by the Expediting Court. The unlawful practices of the defendants are: admission price fixing; run and clearance established by conspiracy; formula deals, master contracts and franchises; discriminatory license provisions; block booking; blind selling; pooling of theatres; operating, buying and booking agencies; and discrimination against independent exhibitors by a great number of devices.

For the most part these practices were considered by the Statutory Court from the point of view of the defendants as distributors, although in some instances the violations were charged against the distributor-exhibitor defendants. In any event, it is clear that, with the possible exception of block booking and blind selling, the condemned practices could not have been put into effect without the demand or the acquiescence of the defendants as exhibitors. Even in connection with block booking and blind selling, which it may be assumed were adopted by the defendants as distributors, it is obvious that the employment of these practices against independent exhibitors and not against defendant exhibitors constitutes unlawful discrimination.

If the practices condemned by the Court were employed for the purpose and with the effect of injuring independent exhibitors and restricting or eliminating their competition, then obviously they constitute monopolistic practices. On this issue what does the Statutory Court find?

In the "Analysis of the Court's Opinion" from a layman's point of view in HARRISON'S REPORTS of July 20, 1946, in connection with a discussion of this issue, it was stated that some independent exhibitor leaders argued that in the portion of the opinion relating to "Discrimination among Licensees" the Court found the "competitive advantages" of certain contract provisions "so great that their inclusion in contracts with the larger circuits constitutes an unreasonable discrimination against small competitors in violation of the anti-trust laws." In the analysis, there is also an excerpt from the opinion of the Court on the subject of "Clearance and Run" to the general effect that independent distributors and exhibitors have been met by a fixed scale of clearances, runs and admission prices to which they have been obliged to conform, and which they had no fair chance to change.

In amplification of these views, it may be pointed out

that the opinion of the Court contains statements along the following lines:

"If the exhibitors are not restrained by the distributors in the right to fix their own prices, there will be an opportunity for the exhibitors, whether they be affiliates or independents, to compete with one another. This is because one exhibitor by lowering admission prices will be able to compete with other exhibitors in obtaining patrons for his theatre—a competition which may well benefit both exhibitors and the public paying the admission fees."

After stating that large circuits, by use of their great film-buying power, had been able to negotiate for grants of unreasonable clearance or unjustified prior runs, and that the defendants may not have entered upon a general policy of discriminating against independents in their grants of clearance, the Court said that the major defendants—

"... have acquiesced in and forwarded a uniform system of clearance and in numerous instances have maintained unreasonable clearances to the prejudice of independents and perhaps even of affiliates. . . ."

"It is clear that the purpose of these two types of clearance agreements was to fix the run and clearance status of any theatre thereafter opened, not on the basis of its appointments, size, location, and other competitive factors normally entering into such a determination, but rather upon the sole basis of whether it were operated by the exhibitor-party to the agreement."

"Clearances are given to protect a particular run against a subsequent run. . . ."

"... These formula deals have been negotiated without, so far as we are informed, any competition on the part of independent theatre owners who would labor under a great disadvantage in attempting severally to match or outbid the offers of a circuit that was making offers for all of its theatres."

In speaking of illegal "pooling" of theatres the Court declared there had been "restraint of competition in exhibition by the five major defendants through ownership of theatres jointly with one another or if their interest be more than five per cent even where jointly held with independents. . . ."

After enumerating and commenting upon discriminations against independent exhibitors in favor of large affiliated and unaffiliated circuits, the Court declared:

"... The competitive advantages of these provisions are so great that their inclusion in contracts with the larger circuits constitutes an unreasonable discrimination against small competitors in violation of the anti-trust laws. . . ."

The Court stated that "The only way competition may be introduced into the present system of fixed prices, clearances and runs" is to install a system of competitive bidding.

"A system of fixed admission prices, clearances and block booking is so restrictive of competition in its tendency that it should be modified to comply with the terms of the Sherman Act. . . . In various ways the system stifles competition and violates the law. . . ."

(Continued on inside page)

"The Jolson Story" with Larry Parks and Evelyn Keyes

(Columbia, no release date set; time, 126 min.)

Excellent! Endowed with ingredients that give it definite mass appeal, this musical biography of Al Jolson's career should prove to be an outstanding box-office attraction, for it is the sort of picture one urges his friends to see. Photographed in Technicolor, produced on a lavish scale, and featuring the songs made famous by Jolson, the picture is chuck-full of entertainment from the start to finish in its unfoldment of the singer-entertainer's fabulous career. The surprise of the picture is the remarkable performance of Larry Parks, as Jolson. His impersonation of the singer is so perfect that, after awhile, one feels as if Jolson himself was on the screen, particularly since, when he sings, one hears Jolson's dubbed-in voice. As a matter of fact, the synchronization of Jolson's voice and Parks' gestures and lip movements is flawless. Musically, the picture is thoroughly satisfying; each of the songs is presented so effectively that one wants to hear more. And the story, though simple, is at all times heart-warming and pleasantly romantic. Some of the situations will tug at one's heartstrings. One such situation, a particularly tender one, is where Jolson fetes his parents on their wedding anniversary. Evelyn Keyes, as Jolson's wife; Scotty Beckett, as Jolson as a boy; William Demarest, as his mentor and, in later years, business manager; and Ludwig Donath and Tamara Shayne, as his parents, are excellent in supporting roles. The picture marks the debut of Sidney Skolsky, the Hollywood columnist, as a producer, and, judging from the results, he deserves much credit for an inspired job of picture-making. Alfred E. Green's direction is faultless.

The story opens at the turn of the century with Jolson, the stage-struck 12-year-old son of a Jewish cantor in Washington, D. C., running away from home to join Steve Martin (William Demarest) in a vaudeville act. A full fledged singer at the age of eighteen, Jolson joins Dockstader's minstrels. His success with the minstrel show earns him a chance in a Broadway musical and he becomes a sensation on opening night. He rises to stardom quickly and, with the passing years, scores many triumphs on Broadway. Martin rejoins him as his manager and, shortly before he leaves for Hollywood to appear in a talking picture, Jolson falls madly in love with Julie Benson (Evelyn Keyes), a musical comedy star. He persuades Julie to marry him and launches her on a motion picture career. Eventually, Julie tires of both their successful careers and, longing for a home and retirement, induces Jolson to forsake show business. His retirement, however, makes him unhappy, and Julie, realizing that he was a trouper at heart, dissolves the marriage, leaving him free to pursue the life he loved.

Stephen Longstreet wrote the screen play. The cast includes Bill Goodwin, Jo-Carroll Dennison, John Alexander and others.

Suitable for the entire family.

"Gas House Kids" with Robert Lowery, Billy Halop and Teala Loring

(PRC, Oct. 7; time, 68 min.)

A passable program feature. As indicated by the title, the picture belongs to the species of comedy-melodramas that revolve around a group of 'teen-aged youngsters living in New York's lower east side slum district. The story and its development follow a pattern that is quite familiar; nevertheless, it should give satisfaction wherever this type of picture is liked, for human appeal, romance and comedy touches are combined with the melodrama. Human interest is awakened by the efforts of the youngsters to help rehabilitate a disabled veteran. The action towards the end is fairly exciting.

Returning home from the war permanently disabled, Robert Lowery, a former policeman, seeks to break his engagement to Teala Loring lest he become a burden to her. Teala assures him that his physical handicap had not diminished her love for him and insists that they proceed with

their pre-war plans to buy a chicken farm. Lowery, however, is unable to raise enough money for the down payment. Their problem comes to the attention of a group of neighborhood boys headed by Billy Halop, who determine to help the lovers. In the course of events, a trio of notorious bank robbers, hiding out in a tenement apartment, waylay a rent collector in an attempt to rob him. The collector, trapped, tosses his briefcase, containing several thousands of dollars, out of a window before he is slugged to death. Halop, passing below, picks up the briefcase and runs away. He takes the money to his pals and, together, they deposit it in a bank and make a down payment on a farm that Teala and Lowery wanted. That night, Halop is picked up by the bank robbers and taken for a "ride" because of his inability to give them the money. Two of the crooks stop at a hideout and order the third to dispose of Halop. The youngster, however, manages to attack his kidnaper, sending the car over an embankment. Halop wakes up in a hospital and learns that he and his pals were suspected by the police of having robbed and murdered the rent collector. He proves their innocence by giving the police information that leads to the capture of the crooks. The boys receive a \$10,000 reward, which they turn over to Teala and Lowery to purchase the farm.

Elsie and George Bricker wrote the story and collaborated with Raymond L. Schrock on the screen play. Sigmund Newfield produced it, and Sam Newfield directed it. The cast includes Carl Switzer, David Reed, Paul Bryar and others.

Unobjectionable morally.

"Gentleman, Joe Palooka" with Joe Kirkwood and Leon Errol

(Monogram, Oct. 19; time, 72 min.)

Although the story is familiar in theme and development, this second in Monogram's "Joe Palooka" series of comedy-melodramas is fairly interesting and maintains the quality that made the first picture a better-than-average program entertainment. Its chief shortcoming is that it is given over more to talk than to action; it is not until the closing reel, where a free-for-all fight takes place, that any excitement occurs. Despite this lack of action, however, the picture manages to be consistently entertaining because of the good direction and the capable performances. The same players enact the principal roles, heading a supporting cast that includes a surprising number of well known character actors.

After Joe Palooka (Joe Kirkwood) wins his first championship fight, his trainer, Knobby Walsh (Leon Errol), fears that he will lose "color" because the newspapers played him up as a good boy who drank milk. Palooka, however, becomes an important public figure when publisher Charles Aslop (Guy Kibbee), a friend of Palooka's girl-friend (Elyse Knox), assigns sportswriter Harry Mitchell (Lionel Stander) to publicize him. The public begins to idolize Palooka and, in due time, Aslop induces him to head a campaign to have certain federal lands transferred to the state for the construction of a public park. Actually, Aslop was using the campaign as a cover-up for an oil land grab that was being maneuvered through the state legislature by several crooked politicians. Knobby Walsh, suspicious of Aslop's motives in publicizing Palooka, investigates and learns of the land grab. Aided by Mitchell, he obtains evidence of the plot and exposes the scheme to his champion. Disillusioned, Palooka withdraws his support, but Aslop, using his powerful influence, keeps the story out of the newspapers. Lest Palooka become involved in an unpleasant situation, his girl-friend induces an honest senator to sponsor a statement by Palooka on the Senate floor. Aslop, learning of the plan, engages a gang of hoodlums to keep Palooka and the Senator away from the Senate until the bill is passed. But Palooka and his sparring partners give the hoodlums a sound thrashing, enabling the Senator to expose the crooked scheme.

Cyril Endfield wrote the original screen play and directed it, and Hal E. Chester produced it. The cast includes H. B. Warner, Stanley Prager, Warren Hymer, Richard Lane, Cliff Nazarro, Fritz Feld, Ian Wolfe, Louis Jean Heydt, Sarah Padden, Freddie Steele, Roy Atwell and others.

Unobjectionable morally.

**"My Darling Clementine" with
Henry Fonda, Victor Mature
and Linda Darnell**

(20th Century-Fox, November; time 97 min.)

This has all the color and excitement of a good Western. The story was produced once before by 20th Century-Fox, in 1939, under the title, "Frontier Marshal." Some slight changes have been made in this version, which, incidentally, has been produced on a bigger scale, but the story remains substantially the same. It is not an unusual story and, for the most part, the action is somewhat liesurely; but that is of secondary importance, for it has been handled so expertly that one's interest in the proceedings never lags. The closing scenes, where the hero shoots it out with the bad men, is thrilling. As a matter of fact, there is considerable suspense throughout. Henry Fonda, as the Marshal, is convincing, and Victor Mature, as an aristocratic doctor turned bad man, impresses one with his dramatic ability. The love interest is fairly appealing, and the photography is exceptionally good.

Heading for California with a herd of cattle, Henry Fonda and his three brothers (Ward Bond, Tim Holt, and O. Z. Whitehead) make camp for the night on the outskirts of Tombstone. Fonda visits the town, arriving just as a drunken outlaw was terrorizing the citizens. He wins everyone's admiration by subduing the outlaw, but declines an invitation to remain in town as Marshal. Returning to camp, he discovers his youngest brother (Whitehead) murdered by cattle-rustlers. He decides to accept the office of Marshal in order to track down the killers. He crosses paths with Victor Mature, a doctor, feared by everyone because of his quickness with a gun. Mature admires Fonda's courage and becomes friendly with him. When Cathy Downs, an Eastern girl to whom he had once been engaged, arrives in town, Mature orders her to go back home; he felt that she was too good for him, particularly since he was ill with consumption. Fonda induces her to remain in the hope that she and Mature would come together again. Cathy's presence, however, infuriates Linda Darnell, an entertainer, who loved Mature. Meanwhile Fonda finds himself falling in love with Cathy. In the course of events, Fonda, through an incident involving Linda, discovers evidence proving that Walter Brennan and his four sons had killed his brother and had stolen the cattle. In the feud that follows, Tim Holt kills one of Brennan's sons and is in turn shot to death by Brennan. It all culminates in a gun battle in which Brennan and his remaining sons die, as does Mature, who had come to Fonda's aid. His brothers avenged, Fonda and his remaining brother leave town, with Fonda implying to Cathy that he will return for her soon.

Samuel G. Engel and Winston Miller wrote the screen play, based on a story by Sam Hellman, from a book by Stuart N. Lake. Mr. Engle produced it, and John Ford directed it. The cast includes Alan Mowbray, J. Farrell MacDonald and others.

Unobjectionable morally.

**"Vacation in Reno" with Jack Haley
and Anne Jeffreys**

(RKO, no release date set; time, 60 min.)

A mildly amusing program farce, suitable for small-town and neighborhood theatres. A good deal of the comedy borders on slapstick, and many of the situations are of the familiar farcical bedroom variety. A few of the situations provoke hearty laughter, but for the most part the comedy is forced, becoming tiresome at times. The story, of course, is pretty silly, but it should entertain those who are made to laugh easily. All in all, it may do as the second half of a program where a strong first feature is used:—

Disgusted by the continual bickering of their friends (Wally Brown and Claire Carleton), Jack Haley and his wife, Anne Jeffreys, decide to put on a quarrelling act of their own to shame their friends into behaving themselves. The act works too well, however, and Anne, angered at Haley's unflattering remarks about her mother, leaves him. Haley decides to spend a two-week vacation at a dude ranch near Reno, pursuing his hobby of searching for hidden treasure with a mine detector. Meanwhile, a trio of bandits

(Morgan Conway, Alan Carney, and Iris Adrian), fellow guests at the hotel, had just held up a Reno bank and had buried a suitcase of money near the ranch. Haley discovers the suitcase and believes that it had been buried by an old-time outlaw. He boasts of his discovery to Iris, who, realizing that it was the bank loot, makes a "play" for him to get the money back. Complications ensue when an attractive blonde accidentally switches suitcases with Haley, and when Anne, arriving to start divorce proceedings, finds Iris pretending to be his wife. Haley tries to explain to Anne that he had discovered a treasure and opens the suitcase to prove his story, but the sight of the blonde's lingerie only confirms Anne's worst suspicions. From that point on matters become even more complicated as Haley attempts to recover the suitcase and gets into a row with her husband and the law. Eventually, Iris and her confederates succeed in retrieving the suitcase and make a getaway. But Haley, aided by Anne, gives chase and captures them. A reward from the bank for recovering the loot brings about a reconciliation between Anne and Haley.

Charles E. Roberts and Arthur Ross wrote the screen play from a story by Charles Kerr, and Leslie Goodwins produced and directed it. The cast includes Matt McHugh, Matt Willis and others.

Unobjectionable morally.

(Continued from front page)

In denying the prayer of the Government for complete divestiture by the defendant distributors of their interests in theatres, the Court by inference again indicated that in the past the independent exhibitors had been unable to compete for run and clearance. They said:

"... We think that the opportunity of independents to compete under the bidding system for pictures and runs renders such a harsh remedy as complete divestiture of theatres unnecessary. . . ."

When mentioning that in 60 per cent of the 92 cities having populations of over 100,000 there were independent first-run theatres in competition with those of the major defendants, the Court added this qualification as to competition:

"... except so far as it may be restricted by the trade practices we have criticized. . . ."

They also said that if the bidding system were set up and the unlawful practices eliminated—

"... it is our opinion that adequate competition would exist."

These excerpts from the decision of the Expediting Court indicate that the effect of the condemned practices has been to restrict or eliminate competition against the defendants in the exhibition of motion picture films. Obviously, too, they were put into effect for that purpose. It is an ancient axiom of the law that a person is presumed to intend the natural and probable consequences of his acts. In the *Aluminum Case* the Court declared, in language which was subsequently approved by the Supreme Court, that "no monopolist monopolizes unconscious of what he is doing."⁶⁶

These agreements, systems and practices of the defendants, which have restricted or eliminated competition, are clearly restraints of trade, and, under the doctrine of the celebrated *Standard Oil Case*⁶⁷ and other authorities, they constitute monopolistic practices. The logical inference, therefore, in view of the subsidiary findings of the Court, is that the defendant exhibitors have monopolized and attempted to monopolize and have conspired to monopolize a part of the interstate business of contracting for and exhibiting motion picture films.

This conclusion is reinforced by a comparison of the condemned practices with those found to exist in the *Crescent* and *Schine Cases*.⁶⁸ In all three cases the practices resulted in the restriction or elimination of independent competition.

⁶⁶ *United States v. Aluminum Company* (C.C.A.2) 148 F. (2d) 416, 432, quoted in *American Tobacco Company v. United States*, Supreme Court, June 20, 1946.

⁶⁷ *Standard Oil Company v. United States*, 221 U.S. 1, 57, 62.

⁶⁸ *United States v. Crescent Amusement Co.* 323 U.S. 173; *United States v. Schine Chain Theatres, Inc.* (W.D.N.Y.) 63 F.Supp. 229. These decisions are reviewed at some length under the topic "Monopolizing," HARRISON'S REPORTS, Sept. 21, 1946.

(Continued next week)

THE ALLIED BOSTON CONVENTION AND COLUMBIA

In the past few years, on the rare occasions that Columbia has screened one of its pictures for the trade press, the Columbia executives have seen to it that HARRISON'S REPORTS should not be invited to attend.

The following is a transcript of a portion of the minutes of the Wednesday afternoon (third day) session of the Allied convention held recently in Boston, which was made into an open forum so that all exhibitors, regardless of affiliation, could be present to discuss exhibitor problems:

Mr. SIDNEY SAMUELSON: "This is a statement to the convention. I am authorized to inform the convention of the following resolution, adopted by the Allied Board of Directors on September 14, 1946, in order that the convention may take such further action concerning it as it may see fit:

"WHEREAS, it has come to the attention of the board of directors of Allied States Association that Columbia Pictures Corporation has barred P. S. Harrison, publisher of *Harrison's Reports*, from press showings of its pictures; and

"WHEREAS, this action by Columbia denies to the independent exhibitors the benefit of Mr. Harrison's unbiased reviews which are a valuable part of the service for which they subscribe to *Harrison's Reports*; now, therefore,

"BE IT RESOLVED by the directors of Allied States Association that they protest this seemingly arbitrary action by Columbia Pictures and request that the company hereafter invite Mr. Harrison to all trade showings of its pictures.

"BE IT FURTHER RESOLVED that this action by the board be reported to the convention."

MR. HARRY BRANDT: "Mr. Samuelson's remarks were addressed to the convention. As President of the ITOA, I would like to enter into this protest with Allied. If the wording of Mr. Samuelson's presentation to the convention could be changed so as to include the individual exhibitor groups, then the ITOA would like to make its wishes known in that way. I doubt very much if any other reviewer of pictures representing a newspaper or trade publisher would be barred by Columbia Pictures. Pete Harrison has truly been the independent exhibitor's friend, and I choose to believe that this is the reason he has been so barred."

MR. COHEN: "On a point of information. Was any reason assigned by Columbia for this action?"

MR. SAMUELSON: "There was no reason assigned for this action, so far as we know, but there is plenty of inference. But, the technical position on the floor is this. The Board of Allied, having had this called to its attention, passed a resolution, and the last sentence says:

"And be it further resolved that this action by the Board be reported to the convention."

"Now, the convention can endorse the resolution and you can move the adoption."

MR. HARRY BRANDT: "Today it is the Forum. We are not part of the convention yet. We don't want to leave any doubts. If you will address your remarks to the Forum, I would be pleased to present [move] the motion."

MR. SAMUELSON: "AND BE IT FURTHER RESOLVED, that this action by the Board be reported to the Forum."

MR. HARRY BRANDT: "I move the adoption of the resolution as read."

[The motion was duly seconded by Bennie Berger, of Minneapolis, and others, and was unanimously carried. (Applause.)]

PRESIDENT JACK KIRSH: "On the subject of Pete Harrison, I would like to say a few words in behalf of Pete Harrison. I know that he would welcome more subscribers to his paper. If you are not a subscriber,—I wish I had the application blanks with me to have you men give me \$15 for it, because it is a very small amount, and I know that Pete

Harrison would be very happy. Now I have no applications with me, but if any exhibitor in this room wants to give me \$15 with his name and address, I will see that Pete gets it."

MR. HARRY BRANDT: "The members of ITOA want twenty additional subscriptions, and will give you the names of the men later. I have to catch a train now. So long!"

[Mr. Brandt then left the room.]

PRESIDENT KIRSCH: "That's a deal. I very seldom make a plea on behalf of any trade paper. Again, this is unique. But I do say to you men this: That if you will be good enough to give me \$15 with your name and your theatre, I personally will be very grateful for that. (Applause.)"

[Ed. Note: Since the meeting this office has received the twenty subscriptions pledged by Mr. Brandt.]

Although Mr. Brandt, by his remarks to the Forum, indicated his indignation that Columbia should have barred this paper from its screenings, he really voiced the sentiments of every exhibitor in the room, and no doubt of most exhibitors throughout the land, as well as of many independent exhibitors in Australia, who are now carrying on a fight against, what they consider, the unfair sales tactics of this company.

Lest any Columbia salesman tell you that I am biased against Columbia Pictures, or any one of its executives, let me take this opportunity of challenging him to point out a single misstatement in any of my editorials exposing those of the home office's sales tactics that I consider unfair to the independent exhibitors. The columns of this paper have always been open to the Columbia executives, as they are to any other person in the industry, but not once has any Columbia executive seen fit to controvert my facts.

There is no justification for Columbia's attitude towards this paper. If its executives dislike adverse editorial criticism, let them change their sales tactics. Selling a picture in one season and holding it back from the exhibitors to sell it in the next season either to the same or to other exhibitors for more money is not considered fair business methods. There have been times when Columbia sold the same picture in three different seasons.

As long as Columbia persists in pursuing a policy that takes advantage of the exhibitors, HARRISON'S REPORTS will continue to expose every instance of unfairness.

HARRISON'S REPORTS has not been unfair to Columbia; it is Columbia that has been unfair to the exhibitors.

SIDNEY SKOLSKY A FIRST-RATE PRODUCER

Sidney Skolsky, the Hollywood columnist whose column is syndicated throughout the country, has made his first picture—"The Jolson Story," for Columbia, and no one who has seen it has found any flaws in it. The picture looks as if it had been produced by a veteran producer. The script is flawless, and the direction faultless.

As to the acting, it certainly stands out—no other actor could have done any better than Larry Parks. When one bears in mind that the singing voice is that of Al Jolson, one may rightly say that Larry Parks' acting is remarkable. He was able to acquire the mannerisms of Mr. Jolson so perfectly that, when made up in blackface, he looks and acts like Mr. Jolson.

The synchronization, too, is perfect. I watched the movements of Mr. Parks' lips closely but at no time did I find even one motion out of synchronism. This is, no doubt, the result of wholehearted cooperation by the Columbia studio.

Columbia had better hang on to Sidney Skolsky, for it has an asset in him. Many a studio should like, I am sure, to have him.

HARRISON'S REPORTS wishes Mr. Skolsky continued success in his new venture. The industry does need persons with artistic ability such as he possesses.

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No. 42

A Legal Analysis of the Statutory Court's Decision—No. 11

By George S. Ryan

(3) DIVESTITURE OF THEATRES (Continued)

In at least one very important respect, however, the facts found by the Statutory Court are at variance with the findings in the other two cases. In both the *Crescent* and the *Schine* decisions it was stated without qualification that the acts were committed for the purpose of eliminating competition and acquiring monopolistic control. The conclusions of the Statutory Court are to the contrary. In language already quoted they said that there was "no substantial proof that any of the corporate defendants was organized or has been maintained for the purpose of achieving a national monopoly. . . ."; and that there was no sufficient proof that ownership by a single defendant of all first-run theatres in a locality had been "for the purpose of creating a monopoly. . . ."

But on several occasions the Expediting Court mentioned the great power of the defendants, with the obvious, if not openly-expressed, intimation that the possession of such power constitutes a temptation to use it in disregard of the rights of competitors. In connection with the pooling and joint ownership of theatres, they suggested that such arrangements between independent exhibitors might be regarded as unreasonable restraints; but that "This result is certain when some of the parties are of major stature in the movie industry and have in other ways imposed unlawful restraints upon it. . . ." They also declared that the resulting elimination of competition between a major defendant and another joint owner "is unreasonable in view of the defendants being a powerful factor in the industry capable of exerting vast influence to its ends, and of the methods it has employed to restrain and control normal competition in distributing and exhibiting motion pictures. . . ."

This reasoning coincides with the view expressed by Judge Knight in the *Schine* Case that ". . . the producer-distributors and chains of exhibitors occupy positions from which 'monopolization' is easily brought about. . . ."

In the absence of accurate knowledge of the evidence before the Court any comment upon the findings in regard to "national monopoly" would be of comparatively little value. At the trial the Government relied largely upon documentary evidence. In the early stages of the litigation it took depositions of many of the leading representatives of the defendants, but to what extent these witnesses were examined in regard to the purpose and effect of theatre acquisition and ownership is merely a matter of conjecture.⁶⁰

It should be noted also that, in the *Crescent* Case, the Supreme Court specifically mentioned that the combination had used its power for the purpose of restricting or eliminating competition; and that in the *Schine* Case the trial judge found that the defendants had maintained an unlawful combination by which they had unreasonably restrained interstate commerce. No explicit findings of a similar nature were made by the Statutory Court. But it is obvious that each defendant exhibitor, controlling a large circuit of theatres, was in itself a combination, in the legal sense of the word, and that, so far as it employed the practices con-

demned by the Statutory Court, it was restricting competition and restraining trade.

Assuming that, in view of the findings of the Statutory Court, the defendants were guilty of unlawful restraints of trade, in the nature of monopolistic practices, notwithstanding the ultimate conclusions that no national or local monopoly of exhibition resulted, the question remains whether the employment of such practices makes any of the defendant exhibitors such a monopoly or a combination in restraint of trade that its dissolution should be decreed.

In language already quoted the Court indicated that they had the right to require "complete divestiture," if such a "harsh remedy" were necessary. They suggested that a "root and branch" decree might be legally possible.⁶¹ The inference is that, in denying the relief requested by the Government, they were exercising the judicial discretion inherent in a trial court, particularly when sitting in equity. The law is clear that their findings of fact should not be revised on appeal, unless clearly erroneous.⁶² And in the *Crescent* Case the Supreme Court said they had freely modified decrees in Sherman Act cases, but that, because of the wide range of discretion in the District Court, they "will not direct a recasting of the decree except on a showing of abuse of discretion."

Obviously, in exercising their judicial discretion to deny the Government's prayer for divestiture, the Expediting Court were greatly influenced by their belief that complete divestiture would withdraw the defendants from the exhibition field and "create a new set of theatre owners which would be quite unlikely for some years to give the public as good service as the exhibitors they would have supplanted. . . ." This view accords with another pronouncement to the effect that there was no proof that ownership by a single defendant of all the first run theatres had been for the purpose of creating a monopoly and had not "rather arisen from the inertness of competitors, their lack of financial ability to build theatres comparable to those of the defendants, or from the preference of the public for the best equipped houses. . . ."

These views are emphasized by the Court, notwithstanding other findings of unlawful trade practices and of discriminations in favor of producer-owned theatres that obviously resulted in a tremendous advantage over any actual or potential independent competitor. They vary from the opinion expressed by Judge Knight in a clearly-reasoned decision in the *Schine* Case, in which he gave little weight to the contention of the defendant that the record did not disclose that Schine "has not furnished sufficiently attractive entertainment." And they appear to conflict with the opinion of the Supreme Court in the *Crescent* Case, which set aside as of little consequence the contention of the defendants "that the independents were eliminated by the normal processes of competition; that their theatres were less attractive; that their service was inferior; that they were not as efficient business men as the defendants."

(Continued on last page)

"Deception" with Bette Davis, Paul Henreid and Claude Rains

(Warner Bros., Oct. 26; time, 112 min.)

A fairly good adult drama. The fact that one's attention is held well from beginning to end is owed more to the good performances than to the story. Although the drawing power of the stars should insure good box-office returns, as entertainment, the picture is more suited to the classes than to the masses, for it is too wordy, has little action, the characters are not very sympathetic, and the story is unpleasant. It revolves around a woman's efforts to conceal from her husband the fact that, prior to their marriage, she had improper relations with a wealthy man. The story is comprised of unpleasant incidents throughout, with the wife constantly deceiving her husband to conceal her secret; the husband intermittently having fits of jealousy because of his suspicions about her past; and with the wealthy man, displeased over losing her, cunningly harrassing both of them until the heroine, aroused, murders him. The production is excellent. The story is based on Louis Verneuil's play, "Jealousy," which was first made into a picture by Paramount, in 1929, starring Jeanne Eagles:—

Arriving in America to seek fame and fortune, Paul Henreid, a European cellist, is reunited with Bette Davis in New York after both had been separated in Europe by the war. Bette's mode of living leads Henreid to suspect that she had been leading the life of a "loose" woman, but she assures him that her riches were the result of teaching wealthy music students. Sure of their deep love, they decide to marry. Their wedding celebration is marred by the arrival of Claude Rains, a famous composer, who makes it apparent that he was displeased with the marriage. Later, to conceal from Henreid her former relationship with Rains, Bette explains that the composer considered her as his protegee and that he felt marriage would interfere with her musical career. Determined to pay Bette back for her ingratitude to him, Rains ingratiates himself with Henreid and offers to let him introduce his new concerto at its premiere performance. Bette's joy at her husband's opportunity to establish himself in the musical world is tempered by her unwillingness to accept Rains' gesture as a sincere one. Her doubts prove justified when Rains, in his cunningly, cruel manner, keeps both Henreid and herself on edge by indicating that he might assign another cellist to take Henreid's place on the night of the concert. Rains' petty persecution of Bette becomes unbearable when he taunts her with the threat of exposing their former relationship. Enraged, she shoots him dead. Later, after Henreid's successful debut, she confesses the slaying to him, discloses the truth about her past, and tells him that she must give herself up to the police.

John Collier and Joseph Than wrote the screen play, Henry Blanke produced it, and Irving Rapper directed it. The cast includes John Abbott, Benson Fong and others. Adult entertainment.

"Child of Divorce" with Sharyn Moffett and Regis Toomey

(RKO, no release date set; time, 62 min.)

A mildly interesting program drama, dealing with the unhappiness caused to a child by the divorce of her parents. It is a remake of "Wednesday's Child," produced by RKO in 1934, and, except for the fact that the child is now a girl instead of a boy, the story is pretty much the same. A few of the situations are moving, and one feels deep sympathy for the child because of the misery that comes into her life. The slow-moving action, however, will probably limit the picture's appeal. As in the original version, the story is weakened by the fact that no sound reason is given for the child's mother falling in love with another man; she had a good home and a devoted husband. Another flaw is the depressing ending, in which the child is shown dejectedly accepting the fact that she must grow up as the child of divorced parents. Although such an ending may be realistic, it leaves the spectator in an unhappy mood:—

Devoted to Regis Toomey, her father, Sharyn Moffett becomes upset when she accidentally comes upon her mother, Madge Meredith, kissing another man (Walter Reed). When Toomey returns from a business trip, he notices his wife's lack of affection and learns of her affair with Reed. They argue bitterly and become divorced. The court decrees that Sharyn should live with her mother for eight months during the year, and with her father for four. Madge and Reed marry and do their best to make Sharyn happy during her stay with them, but the child, unable to become accustomed to her mother living with another man, remains un-

happy. At the end of eight months she joyfully rejoins her father only to be crushed when she learns that he planned to marry Doris Merrick. Aware that the child could not be happy living with either of them, Madge and Toomey decide to send her to a boarding school. There, Sharyn comes to the realization that her parents would never become reconciled and that she would remain a child of divorce. Brushing back her tears, she resigns herself to a lonely way of life.

Lillie Hayward wrote the screen play and produced it from a play by Leopold L. Atlas. Richard O. Fleischer directed it. The cast includes Una O'Connor and others.

Unobjectionable morally.

"Nocturne" with George Raft and Lynn Bari

(RKO, no release date set; time, 87 min.)

Fairly good. The story, which revolves around a detective's determination to prove a case of murder, despite the coroner's verdict of suicide, is somewhat confusing and is not greatly different from the usual stories used in murder-mystery melodramas, but good performances and competent direction raise it above the average picture of this type. The action is slow-moving, but it holds one in suspense. Several of the situations are quite exciting, particularly those in which George Raft battles a bully twice his size. Like most mystery pictures, the murderer's identity is not made known until the end, but most spectators should be able to figure it out long before the finish:—

Edward Ashley, a well-known composer, is shot dead just as he informs an unidentified girl that he no longer loved her. The police authorities declare him to be a suicide because of powder burns on his hands and face, but Raft, a hard-boiled detective, obstinately clings to the theory of murder. He investigates several women in whom the dead man had shown an interest but each is able to furnish an air-tight alibi, except Lynn Bari, an actress, on whom he fastens his suspicions when she refuses to answer his questions. In the course of events, Raft comes in contact with Virginia Huston, Lynn's sister, a singing star in a nightclub; Joseph Pevney, her pianist; and Bernard Hoffman, a burly, half-witted hoodlum, who moved Pevney's piano around the night-club floor—all three excite his suspicions. Raft's inability to prove his murder theory, and his refusal to halt the investigation, bring about his dismissal from the police force, but he doggedly continues to follow up different clues. It is not until an attempt is made on Lynn's life that he is able to trap the murderer, who turns out to be Pevney. The pianist explains that he and Virginia had been secretly married and that she had fallen in love with Ashley, whom he had killed because he was about to discard her. He explains also that the powder marks on Ashley's body were accomplished by the use of a blank cartridge fired at close range after the fatal bullet. He had tried to murder Lynn because she knew of her sister's affair with Ashley and he feared that she might talk to Raft. The mystery solved, Raft again turns his attentions to Lynn, but this time with romance in mind.

Jonathan Latimer wrote the screen play from a story by Frank Fenton and Rowland Brown. Joan Harrison produced it, and Edwin L. Marin directed it. The cast includes Walter Sande, Mabel Paige, Queenie Smith and others.

Adult entertainment.

"Dangerous Money" with Sidney Toler

(Monogram, Oct. 12; time, 66 min.)

This is another one in the "Charlie Chan" detective series, and is almost about on the same level as the other pictures; that is, a mildly interesting program murder-mystery melodrama, suitable mostly for indiscriminating audiences. Following the formula employed in the previous pictures, the muddled plot has Sidney Toler, as "Chan," investigating a series of murders in his quiet way, while suspicion is cast on several characters to keep the spectator mystified. The comedy, as usual, is provoked by "Chan's" young son, who imagines himself to be a good detective, and by the antics of his frightened chauffeur, but most of this is ineffective:—

Hot on the trail of a gang that had secretly carried out currency and art treasures from the Philippines during the Japanese invasion, Tristram Coffin, a Federal agent, enlists the aid of Chan, who, too, was aboard a ship bound for Samoa. Shortly after, while both watch a vaudeville show in the ship's salon, Coffin is stabbed to death. Chan assumes charge of the investigation and among those suspected of the crime are Gloria Warren, an English girl; Rick Vallin, a Polynesian half-caste trader; Emmett Vogan, a natural history researcher; and Leslie Dennison and Alan Douglas, a

married couple, who identify themselves as missionaries. Following up different clues, Chan finds evidence linking each of the suspects either to the murder or to the theft of the valuables. Several attempts are made on Chan's life and a few other murders are committed before he brings his investigation to a successful conclusion in Pago-Pago, where, with the aid of his son and colored chauffeur, he locates the missing treasure, unmasks the wife of the missionary as a man in disguise, and proves that both headed a gang of five persons who stole the valuables and committed the murders.

Miriam Kissingner wrote the original screen play, James S. Burkett produced it, and Terry Morse directed it. The cast includes Joseph Crehan, Willie Best, Selmer Jackson and others.

Unobjectionable morally.

"The Mysterious Mr. Valentine"
with William Henry and Linda Sterling
(Republic, Sept. 3; time, 56 min.)

A moderately entertaining murder-mystery melodrama, of program grade. At times the plot becomes so involved that it is difficult to follow the story, but this will probably be overlooked by audiences that are not too concerned about a plot's logic as long as the action is fast and the doings mysterious. The usual tricks are used to obtain eerie effects, and to throw suspicion on different characters. Since several of the situations are suspenseful, and since the murderer's identity is not disclosed until the end, one's interest in the proceedings is maintained fairly well:—

Experiencing a tire blow-out late at night, Linda Sterling walks into a small chemical factory and asks Tristram Coffin for help. She suddenly finds herself confronted by Barbara Woodell, Coffin's jealous wife, from whom she flees. She races away in Barbara's car, almost collides with another car, and, when she comes to a stop, discovers that she had hit and killed a man. When two strangers offer to take the body to a hospital, Linda gladly accepts, unaware that they had framed her into believing that she had hit the man. On the following day, she learns that the man's body had been found on the highway; that he was Coffin's partner; and that the police were looking for the hit-and-run driver. To add to her troubles, her car is stolen and she receives blackmail notes from a mysterious "Mr. Valentine" demanding large sums of money to keep her identity concealed from the police. Linda enlists the aid of William Henry, a private detective, who soon learns that the dead man's insurance had been paid to his partner. Shortly afterwards, the partner, too, is murdered, and his wife, Barbara, is held for the crime. Through clever detective work, however, Henry solves the crimes by proving that Coffin, in cahoots with Keene Duncan, an insurance agent, as well as with the two strangers who had helped Linda, had killed his partner for the insurance money and was in turn killed by his confederates when he tried to make off with the money himself. He proves also that Duncan was the mysterious "Mr. Valentine." Her troubles over, Linda looks forward to a romantic association with Henry.

Milton Raison wrote the original screen play, Donald H. Brown produced it, and Philip Ford directed it. The cast includes Virginia Christine, Thomas Jackson and others.

Unobjectionable morally.

**"The Chase" with Robert Cummings,
Michele Morgan, Peter Lorre and
Steve Cochran**

(United Artists, no release date set; time, 85 min.)

This psychological murder thriller is a grim entertainment, well produced, finely acted, and expertly directed. It is a curious picture, however, in that it is thoroughly satisfying from the point of excitement and suspense but disappointing because of its vagueness both in story and in characterizations. For three-quarters of the picture the spectator is kept intrigued by the different happenings, which give promise of building up to a tense climax, but it all ends with a dull thud when it turns out that what had occurred had been a dream—a device resorted to when a producer tries to cover up an inept script. Considerable footage is given over to building up the villain as a ruthless, sadistic killer, a sort of racketeer, yet the spectator never learns just what his racket is, nor does most of the footage consumed in building him up as vicious have much bearing on the plot. If the same care given to the rest of the picture had been given to the story, "The Chase" might have been a superior melodrama.

The story opens with Robert Cummings, a penniless hungry veteran, finding a wallet belonging to Steve Cochran, a mysterious character, who lived in a magnificent home in Miami. Cummings returns the wallet to him, and Cochran, impressed with his honesty, employs him as a chauffeur. Cummings soon discovers that Cochran was a ruthless person, and that Michele Morgan, his wife, was unhappy with him. Michele and Cummings find themselves drawn toward each other and he agrees to help her escape from Cochran. He purchases two tickets for Havana and lays plans to sneak away with her that night. Their trip to Havana is fraught with fear that Cochran would somehow find them. Arriving there, they go to a night-club and, as both toast their love for each other, Michele is mysteriously stabbed to death. Cummings, charged with the crime, finds that Cochran had in some way stacked the evidence against him. Unable to prove his innocence, he escapes from the police and starts a search for the real murderer in order to clear himself. His search brings him in contact with Peter Lorre, Cochran's sinister aide, who shoots him down in a savage fight. At that point Cummings awakens in his room in Cochran's mansion and realizes that he had been having a nightmare—the result of shell-shock suffered in the war. From then on the story concerns itself with Cummings coming to the realization that Michele was still alive and that her life was in danger. He manages to make off with her, while Cochran and Lorre set out after them in a high-powered car. Both men are killed when their car is smashed at a railroad intersection, leaving Michele and Cummings free to start life anew.

Philip Yordan wrote the screen play from Cornell Woolrich's novel, "The Black Path of Fear." Seymour Nebenzal produced it, and Arthur Ripley directed it. The cast includes Lloyd Corrigan, Jack Holt, Alexis Minotis and others.

Adult entertainment.

**"Margie" with Jeanne Crain, Lynn Bari
and Glenn Langan**

(20th Century-Fox, November; time, 93 min.)

Very good mass entertainment; it is clean and wholesome, has good comedy situations and human interest. Expensively mounted and photographed in Technicolor, it is a pleasant, sentimental tale about a high school girl's "crush" on her French teacher, with the story set in the late 1920's, during the flapper age, when girls rolled their stockings and rouged their knees, and when the well-dressed high school boy sported a coonskin coat. Henry King, the director, has done a masterful job in capturing the spirit of that decade. The background music, which is made up of the popular tunes of that day, imparts to the film a pleasant nostalgic quality. Jeanne Crain, as the heroine, is completely charming. Much of the comedy is brought about by a running gag that involves the breaking of the elastic band holding up her bloomers; her embarrassment results in a number of hilarious situations, which, through delicate handling, never become offensive. It is a delightful entertainment from start to finish, and word-of-mouth advertising should enhance its box-office possibilities.

Briefly, the story, which is told in flashback, revolves around Jeanne's trials and tribulations as a high school girl in 1928. Being a home girl, who lived with her grandmother, she wore plain clothes and braided her hair. Boys paid little attention to her, and she was envious of her flapper school-mates and their handsome boy-friends. She soon becomes the envy of the other girls, however, when Glenn Langan, the handsome young French teacher, takes an interest in her. How she wins his heart and eventually marries him makes up the rest of the story. Although it is a simple tale, it is rich in humorous incidents, too numerous to mention, and filled with situations that have strong sentimental appeal. Particularly appealing, as well as humorous, are the situations that result when Jeanne finds herself without an escort to take her to the senior prom. The manner in which her grandmother, her father, and Langan come to her rescue is warm and natural. Esther Dale, as her outspoken grandmother; Hobart Cavanaugh, as her father; Lynn Bari, as the school librarian; Barbara Lawrence, as a typical flapper, who spends most of her spare time either dancing or necking with Conrad Janis, a bored, conceited football hero; Alan Young, as Jeanne's forlorn boy-friend; and Hattie McDaniel, as the maid in Jeanne's home, give excellent portrayals, adding much to the entertainment values.

F. Hugh Herbert wrote the screen play from stories by Ruth McKenney and Richard Bransten. Walter Morosco is the producer.

Notwithstanding the deference due to a pronouncement by an impartial and intelligent tribunal, such as the three-judge Court, this portion of the opinion is not likely to be greeted with enthusiasm by exhibitors who are familiar with the conduct of theatres by the defendant exhibitors, particularly during the years of the depression, when a high grade of ability to operate theatres was a prerequisite to financial survival; who have observed the operation and ultimate closing or abandonment of theatres acquired by large circuits from independent exhibitors; who are aware of the absolute failure of Universal to operate theatres efficiently, so that within a period of about five years it was forced to sell or abandon them; and who have not forgotten the receivership or reorganization or bankruptcy proceedings of large affiliated theatre circuits, such as Publix Theatres Corporation, Fox West Coast Theatres, Fox Metropolitan Circuit, and Universal Chain Theatrical Enterprises, Inc., and of such great theatre-owning organizations as Paramount and RKO. Many exhibitors undoubtedly hold the view that it would be difficult for a circuit to avoid operating successfully if it had the advantage of a discriminatory system and regular access to the best product in the market, and if it was, in addition, protected and aided by unlawful trade practices. And, in cities where independent competition still exists, it may be doubted whether an adequate showing could be made that, having regard to the quality of product used, the major companies were operating more efficiently than independent exhibitors.

In negating the existence of monopolistic control of exhibition, the Statutory Court placed some reliance upon the figures already mentioned, showing that the defendant exhibitors owned or operated only 17.35 per cent of the total number of theatres in the United States. Spokesmen for independent exhibitors, according to the "Analysis of the Court's Opinion" from a layman's point of view in HARRISON'S REPORTS of July 20, 1946, have criticised this reason for denying complete divestiture. They have pointed out that the Court gave weight to the fact that the defendants "did not enjoy a numerical monopoly" and that they seemingly "ignored the fact that the monopoly consists of the defendants' control of important key first-runs, which in turn regulate the flow of product to the subsequent-runs, thus having a restrictive effect on their operation."

The Government has argued along the same lines. In its brief it called attention to statistics showing that in various cities the revenue derived by distributors from first-run exhibition of films in affiliated theatres was very large. It pointed out, for example, that in all but five of the forty-nine cities from one hundred thousand to two hundred thousand population, the first-run rentals alone ranged as high as seventy to ninety-four per cent of the total rental of the city.¹¹

It may also be suggested that, in their decision, the Court made no attempt to compare the seating capacities or locations of the theatres mentioned, their annual gross receipts and profits, or the film rental paid by them to distributors. In their computation a theatre such as the Rado City Music Hall or the Roxy or Paramount in New York City, with tremendous seating capacity, continuous daily performances, and extended runs, counts as one unit, the same as any little upstairs house in a rural community in Maine or Mississippi, running three or four shows a week. It might not be inappropriate, therefore, to ask how many hundreds of small independent theatres of this nature would be required to produce the revenue of one of the large metropolitan theatres.

On the basis of statistics compiled and estimates made by competent authorities,¹² it is conservative to compute that the leading one thousand theatres in the United States pay to each of the five chief distributors not less than sixty to seventy-five per cent of the total film rental derived from all its domestic customers.

In an action of this nature it may be difficult to get exact figures to show the extent of the defendants' power and control in the field of exhibition. Logically, however, it would seem that an opinion based merely upon the numerical proportion of theatres controlled by the defendants to the total number of theatres in the United States cannot be in any sense conclusive.

The task before the Government, therefore, is to satisfy the Supreme Court that, in some respects, the findings of the Expediting Court are "clearly erroneous," or that, in the denial of the relief of complete divestiture, there was an abuse of judicial discretion. The general opinion is that upon an appeal the Government will prevail. From his knowledge of conditions in the industry the writer inclines to the same view. But he has only a sketchy knowledge of the evidence, and in the absence of complete information on complicated issues he considers it inadvisable to advance a definite opinion.

¹⁰ This subject was discussed by the writer under the titles "Theatre Acquisition" and "Monopoly of Product" in HARRISON'S REPORTS, May 16 to 23, 1936. There it was pointed out that in an early case a former chairman of the Finance Committee of Paramount had testified to the effect that the control of the majority of first-run theatres in an area would effectively handicap other distributors; that the policy of theatre operation was in itself a threat to the existence of a competing exhibitor; that in the Federal Trade Commission case which resulted in the decision on block booking, *Federal Trade Commission v. Paramount Famous-Lasky Corp.*, (C.C.A.2), 57 F.2d 152, an order had been originally issued by the Commission requiring Paramount to desist from acquiring theatres with the intent or effect of coercing exhibitors into leasing and booking films distributed by it; and that in a Massachusetts suit an Auditor had found that in some instances there had been the expressed or implied suggestion that if the exhibitor refused to take the product of Paramount at the prices offered the defendant would acquire a competing theatre in the locality, where its pictures might be shown. A similar finding subsequently was made in *Momand v. Griffith Amusement Co., et al.*, in the District Court for the Western District of Oklahoma, No. 6517. In the issue of May 23, 1936, it was stated:

"In considering the question of monopolizing, it is worth while to bear in mind the methods, purposes and results of theatre acquisition, and the means by which control of product has been secured. Producer-controlled theatres have been strung together across the continent in large chains, with enormous buying power. The visible means or instrumentalities by which they have secured product have been franchises, or long term contracts, with major distributors; annual master contracts covering a large number of houses throughout the entire country; selective contracts, so-called; and requests for reservation of product, usually made in advance of the selling season. Obviously these have given the producer-controlled theatres a tremendous competitive advantage over independent exhibitors."

¹⁰ See *United States v. Aluminum Company* (C.C.A.2) 148 F.(2d.) 416, 433, where the Court said that an appellate court would reverse the findings of a trial judge "most reluctantly and only when well persuaded."

¹¹ Plaintiff's Brief, p. 38.

¹² Sidney R. Kent, formerly general sales manager of Paramount and president of Fox, testified in 1932 that approximately sixty-five per cent of the revenue of Paramount was derived from the first five hundred houses in this country. His estimate was approved by Mr. Adolph Zukor. (Depositions of Kent, p. 211, and Zukor, p. 127, *Dorchester Theatre Company v. Paramount Public Corporation*, D.C. Mass.) Subsequently George J. Schaefer, former general sales manager of Paramount and president of RKO, testified that sixty-five to seventy per cent of the Paramount domestic revenue came from the first-run theatres in the first four hundred cities in this country. (Deposition of Schaefer, p. 26, *Aetna Amusement Enterprises, Inc. v. Maine and New Hampshire Theatres Co., et al.*, D.C. Mass.) C. C. Pettijohn, formerly general counsel of the Film Boards of Trade, as well as of the Motion Picture Producers and Distributors of America, Inc., wrote to the Secretaries of all Film Boards of Trade, July 18, 1930, that "Probably seventy-five per cent of the money derived by distributors from exhibitors comes from the first-run accounts." In other actions it appeared that the revenue derived by a distributor from four or five first-run theatres, two of which were in Boston, was greater than the revenue obtained from any other account in New England, including a large affiliated circuit which used the product in most of its theatres.

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A Legal Analysis of the Statutory Court's Decision—No. 12

By George S. Ryan

(4) ARBITRATION

In its amended supplemental complaint, the Government requested, according to the decision of the Court—

"... That a nationwide system of impartial arbitration tribunals, or such other means of enforcement as the court may deem proper, be established in order to secure adequate enforcement of whatever general and nationwide prohibitions of illegal practices may be contained in the decree."

Such a prayer is unusual. Ordinarily a court cannot deprive a person, without his consent, of his constitutional right to trial by jury of controverted issues in a court of competent jurisdiction. The Expediting Court recognized this established principle of law, when, after commenting upon the right of the parties to apply for modification of the Consent Decree, they said:

"... It would seem to follow that we cannot bind any parties to subject themselves to the arbitration system or the board of appeals set up in aid of it without their consent, even though we may regard it as desirable that such a system, in view of its demonstrated usefulness, should be continued in aid of the decree which we propose to direct."

Subsequently in the opinion and in the order for decree regarding arbitration, the court again recognized the necessity of consent by the parties.

The order contained in the decision provides for arbitration in the following language:

"... The decree shall also provide for arbitration of disputes as to bids, clearances, runs, and any other subjects appropriate for arbitration in respect to all parties who may consent to the creation of such tribunals for adjustment of such disputes. It shall also provide for an appeal board generally similar to the one created by the consent decree as to any parties consenting thereto. It shall make such disposition of the provisions of the existing consent decree signed November 30, 1940, as may be necessary in view of the foregoing opinion."

From the foregoing it will be observed that arbitration tribunals may be established only as a result of negotiation and agreement between the Government and the defendants, under the supervision and with the approval of the court.

The order for a decree and the other language in the decision relating to arbitration give only a general outline of its scope and of the procedure by which it may be put into effect. These subjects are worthy of the most serious consideration, not only by the parties directly affected by the decree, but also by everyone connected with the industry. Before discussing them, however, the writer proposes to give a brief outline of the history of other arbitration tribunals in the industry.

The subject will therefore be considered under the following general headings:

- (a) History of Arbitration.
- (b) Administration of Arbitration Tribunals.
- (c) Scope of Arbitration.

(a) History of Arbitration

In the motion picture industry there have been three kinds of tribunals by which disputes have been arbitrated or otherwise determined without resort to litigation.

The first of these tribunals was established in or about 1928 in the various exchange centers of the United States,

in accordance with the provisions of the Standard Exhibition Contract. In paragraph 18 of that contract the distributor and exhibitor agreed to submit to a board of arbitration all claims arising under the contract, and to abide by and comply with any award rendered. They stipulated that any such award should be enforceable in any court of competent jurisdiction. They waived the right of trial by jury of any issue arising under the contract. They also agreed that, if the exhibitor failed to consent to submit any claim or controversy to arbitration under the contract, or under any other contract with the distributor or any other distributor, or to abide by and comply with the award, the distributor might demand for its protection, and as security for the performance of all existing contracts, payment of five hundred dollars by the exhibitor under each existing contract, to be applied on its contracts and on any sums due by the exhibitor. In the event the exhibitor failed to pay this sum within seven days, the distributor might suspend service under its contract.

Under the rules of arbitration specified in this form of contract, the board of arbitration consisted of six persons, three of whom were members of the local Film Board of Trade—in other words, the distributors' representatives—and three of whom were owners or managers of theatres and were appointed by the local exhibitors' association.

In a number of districts, at least, exhibitors filed comparatively few complaints under this compulsory arbitration procedure, and, not infrequently, they refused even to put in an appearance to answer the demands of the distributors. Apparently one of the chief functions of the board was to secure payment for films under contract, whether or not they had actually been delivered, and to force exhibitors to give dates for undesirable pictures.

Perhaps the most objectionable feature, however, was the enforcement of the rules that, upon the refusal of an exhibitor to submit a controversy to arbitration or to comply with an award, he should make an excessive deposit with each distributor for each contract, and that, upon his failure to do so, he should be denied product by all the distributor members of the Film Boards of Trade. Obviously, when confronted by such a boycott, the exhibitor either complied with the distributors' demands or went out of business.

By means of these "kangaroo courts," as they were called by exhibitors, the Constitutional guaranty of jury trial was effectively nullified.

The Government challenged the arbitration provision in the Standard Exhibition Contract, as well as the rules of arbitration and the boards constituted in accordance therewith; and in 1929 the United States District Court for the Southern District of New York decreed that the adoption and use of the arbitration provision constituted a combination and conspiracy in restraint of interstate trade and commerce.⁷³ The Supreme Court subsequently affirmed the decree.⁷⁴

The next important effort to secure the adjudication of controversies without resort to litigation in the established courts of the land was by means of the Code of Fair Competition of the Motion Picture Industry, under the National Industrial Recovery Act.⁷⁵ The Code provided for the establishment and maintenance of "Grievance Boards" for the

(Continued on last page)

"Never Say Goodbye" with Errol Flynn and Eleanor Parker

(Warner Bros., Nov. 9; time, 97 min.)

A fairly good comedy of marital difficulties, revolving around a divorced couple who love each other but who are kept apart by misunderstandings and by an interfering mother-in-law. The story has little substance, depending entirely on comedy, but the action is fast and one is kept amused throughout because of the many complications the hero gets himself into. The characters are not of the type to arouse human interest or much sympathy, but they are entertaining because of their peculiarities. Several of the comedy situations are incredulous, yet they manage to arouse hearty laughter. All the action, however, could have been shown in fewer reels:—

Although divorced, Errol Flynn, a gay artist, and Eleanor Parker, his ex-wife, still love each other. Their seven-year-old daughter, Patti Brady, divides her time between them and tries hard to effect a reconciliation, but Lucile Watson, Eleanor's mother, who disapproved of her former son-in-law, keeps them apart. Disregarding her mother's wishes, Eleanor finally consents to spend a gay evening with Flynn in the hope that it would lead to a reconciliation. They go to S. Z. Sakall's restaurant, where Flynn, forgetting that he had made another appointment for dinner that evening with Peggy Knudson, his model, gets himself into all sorts of complications trying to keep both women from knowing of the other's presence. Eleanor, however, sees through his trickery and leaves in a huff. Flynn makes several other attempts to reconcile with Eleanor, but each time his good intentions are ruined by unforeseen complications. Meanwhile Patti had been conducting a passionate correspondence with a handsome marine overseas, and had been signing her mother's name to the letters. Eleanor is bewildered when the marine (Forrest Tucker) pays her a visit, but, upon learning the truth from Patti, she decides to use the situation to her advantage. She becomes friendly with Tucker and invites him to remain as her house guest. Flynn, seeing her having a gay time with Tucker, suffers pangs of jealousy. He poses as Eleanor's brother-in-law and tries all sorts of tricks to get rid of Tucker, but his failing efforts only serve to add to his aggravation. Tucker eventually learns the truth and, with the aid of Patti and Sakall, concocts a kidnapping scare involving the child, whose disappearance serves to bring her estranged parents together again.

I. A. L. Diamond and James V. Kern wrote the screen play from a story by Ben and Norma Barzman. William Jacobs produced it, and Mr. Kern directed it. The cast includes Donald Woods, Hattie McDaniel and others.

Unobjectionable morally.

"The Brute Man" with Rondo Hatton, Tom Neal and Jane Adams

(PRC, October 1; time, 58 min.)

Ordinary program fare. It belongs in the horror class of entertainment, and it has moments to recommend it to undiscriminating patrons who go in for this type of pictures. Others, however, will probably find it tiresome, for it suffers from triteness in plot and in treatment. For exploitation purposes, the picture's main attraction is the late Rondo Hatton, known to most movie patrons as "The Creeper," who enacts the role of a psychopathic killer. It has a suspenseful situation here and there, caused by Hatton's uncontrollable urge to kill, but the whole effect is artificial and "stagey"; in fact, some of the action and dialogue may provoke laughs, instead of serious response. The picture, incidentally, was originally produced by Universal and turned over to PRC for distribution:—

Hideously disfigured by acid, Rondo Hatton, a former football hero, becomes a psychopathic killer. Hiding from the police, Hatton seeks refuge in the apartment of Jane

Adams, a blind piano teacher, who, unaware that he was a ruthless murderer, befriends him. Hatton determines to repay her kindness by raising enough money to pay for an operation on her eyes. He visits Tom Neal, a former college friend, and Jan Wiley, Neal's wife, and blames them for his plight. Years previously, in college, Neal had won Jan's love, and Hatton, angered, had smashed a bottle of chemicals that had caused his disfigurement. He strangles Neal and steals Jan's jewels, which he gives to the blind girl. Jane unwittingly accepts the jewels and takes them to a jeweler for appraisal. Suspicious, the jeweler notifies the authorities, and the horrified girl soon finds herself suspected of being Hatton's accomplice. Meanwhile Hatton, believing that Jane had betrayed him, determines to make her his next victim. The police, however, anticipate his moves and trap him in the girl's apartment before she can be harmed. Absolved of complicity in the crimes committed by Hatton, the blind girl is befriended by Jan, who promises to finance an operation on her eyes.

George Bricker and M. Coates Webster wrote the screen play from an original story by Dwight V. Babcock, Ben Pivar produced it, and Jean Yarbrough directed it. The cast includes Peter Whitney, Donald MacBride and others.

Adult entertainment.

"Wife Wanted" with Kay Francis, Paul Cavanagh and Robert Shayne

(Monogram, Oct. 19, time, 70 min.)

This is a fair program drama, the sort that lends itself to exploitation, for it revolves around the expose of a racket, in this case crooked matrimonial bureaus. The story, which is not unusual, is too long drawn out, and the connection of some of the characters to the main plot is somewhat vague and confusing. Despite the story's flaws, however, it holds one's interest fairly well because of the constant danger to the heroine, a victim of the bureau, who determines to obtain evidence that would expose the blackmail and murder practices of the racket. There is some suspense, too, in the closing scenes, where the racket head is foiled in his attempt to murder the heroine. The production values are pretty good, and the acting adequate:—

Kay Francis, a fading motion picture star, invests her savings with Paul Cavanagh as a partner in his real estate firm. Unknown to Kay, Cavanagh, aided by Veda Ann Borg, his secretary, and by John Gallaudet, an associate partner, operated a crooked matrimonial bureau, which defrauded and blackmailed many lonely persons. Kay is unknowingly used as bait for one of Cavanagh's victims (Barton Yarborough), who dies in a fall from a balcony, in what appears to be suicide, after trying to make love to Kay. Suspecting that Cavanagh operated a fake marriage bureau, and that it was in some way connected with Yarborough's death, Robert Shayne, a newspaperman, poses as a wealthy rancher and visits the bureau in search of a companion. Under threat of revealing that she was with Yarborough on the night of his death, Cavanagh compels Kay to start a romance with Shayne, and to persuade him to invest money in a fraudulent oil deal. Kay accepts his orders out of a desire to obtain evidence that would expose his racket. Without realizing that each was trying to trap Cavanagh, Kay and Shayne lead each other around for their own purposes, and in doing so fall in love. Meanwhile Cavanagh finds reason to suspect Kay; he tricks her into meeting him so that he could kill her in the same way that he had murdered Yarborough. By this time, however, Shayne learns that Kay, too, was seeking to trap Cavanagh. He rushes to the meeting place, arriving in time to rescue Kay and to bring Cavanagh to justice.

Caryl Coleman and Sidney Sutherland wrote the screen play from the novel by Robert Callahan. Jeffrey Bernard and Miss Francis produced it, and Phil Karlson directed it. The cast includes Teala Loring, Anthony Warde and others.

Adult entertainment.

"Bringing Up Father" with Joe Yule and Renie Riano

(Monogram, Nov. 2; time, 68 min.)

Based on the popular comic strip of the same name, this program comedy should prove generally amusing to most audiences, for it is well cast and the actors get the most out of their roles. The plot is very thin, but it has many funny situations brought about by "Jiggs'" mixups with his friends in Dinty Moore's saloon, and by "Maggie's" social-climbing activities. The humor is of the slapstick variety, but it should provoke many laughs. Joe Yule, as "Jiggs," and Renie Riano, as "Maggie," play their parts effectively, and both look amazingly like their cartoon counterparts. The picture should fit very well as a supporting feature wherever something light is needed to round out a double-bill:—

When Wallace Chadwell, a young architect and nephew of Tim Ryan (Dinty Moore), designs a modern building to replace the one that housed Ryan's corner saloon, Joe Yule (Jiggs), a Park Avenue contractor, takes an interest in the young man's ideas. Meanwhile Ferris Taylor, a millionaire business man, seeks to get control of the property involved. He enlists the aid of his wife, Laura Treadwell, who uses her social position to influence Renie Riano (Maggie) to support a petition to condemn the property. At Renie's request, Yule signs the petition without bothering to read it and then takes it to Ryan's saloon where he induces the other habitués to do likewise. When they learn what the petition is, and that it included a pledge to stop drinking, Yule's friends disown him. Disconsolate at being an outcast, Yule, to correct his mistake, draws up another petition to cancel the original petition and succeeds in opening the saloon once again. Taylor, however, determines to close the place and he hires a group of hoodlums to start a riot. But the scheme backfires when the hired thugs prove to be old acquaintances of Yule's. By this time, Renie becomes aware of Taylor's plot and realizes that his wife had tricked her. She joins Yule and his friends in giving the luckless socialites a sound thrashing, after which all get ready for a big celebration.

Jerry Warner wrote the screen play from an original story by Barney Gerard and Eddie Cline. Mr. Gerard produced it, and Mr. Kline directed it. The cast includes George McManus, the cartoonist, who wanders in and out of the plot as a gag, June Harrison, Jack Norton, Pat Goldin, Tom Dugan, Joe Devlin and others.

Unobjectionable morally.

"Shadowed" with Lloyd Corrigan and Anita Louise

(Columbia, Sept. 26; time, 69 min.)

A fair program murder melodrama. Although there is no mystery to the plot, one is kept in suspense throughout because of the danger to the leading character, a middle-aged business man, who had witnessed a killing but who feared to go to the police with his information lest the murderer carry out a threat to harm his motherless daughters. The story is rather contrived, and some of the situations are a bit too pat, but it manages to hold one's interest fairly well because of the plot's developments. Lloyd Corrigan, as the law-abiding citizen who tries desperately to extricate himself from the crime in which he had accidentally become involved, gives a good performance. Some attempt is made at comedy to relieve the tension, but it is ineffective:—

While playing golf, Corrigan makes a hole-in-one and inscribes his initials on the lucky ball. On his next drive, he knocks the ball out of bounds and, while searching for it, sees Wilton Graff and his wife (Doris Houck) dumping a man's body. Corrigan examines the scene and discovers a set of counterfeit plates, dropped by the criminals in their haste. Returning for the plates, Graff finds Corrigan's initialed golf ball and through it traces his identity. He warns Corrigan to say nothing to the police and keeps him silent by threatening to harm his two daughters, Anita Louise and

Helen Koford. Determined to find a way out of his dilemma, Corrigan conceals the plates and informs Graff's henchmen that he did not have them. In the course of events, the police find evidence linking Corrigan with the crime but do not arrest him. Meanwhile Graff, losing patience, kidnaps Helen as a means of forcing Corrigan to hand over the plates. Corrigan, by this time willing to accede to his demands, learns to his dismay that Anita had discovered the plates and had mailed them to the police. He stalls for time, however, and promises to give Graff the plates if he would bring his kidnapped daughter to his office. When Graff and his henchmen arrive at the office, they threaten to kill Corrigan because of his inability to produce the plates. But through fast thinking, Corrigan, aided by Anita, manages to subdue his attackers and to turn them over to the police.

Brenda Weisberg wrote the screen play from a story by Julian Harmon. John Haggott produced it, and John Sturges directed it. The cast includes Michael Duane, Robert Scott and others.

Unobjectionable morally.

"Notorious Gentleman" with Rex Harrison and Lilli Palmer

(Universal, November; time, 108 min.)

An interesting British-made picture. It has been given a good production and is well acted and directed, but as entertainment it is strictly for adult audiences, for the story is unappealing and somewhat immoral. Moreover, the actions of the hero are far from edifying. It is a character study of an easy-going, irresponsible and immoral person, who, despite his unscrupulous ways, manages to be likeable because of his charming manner. Among other things, he brings misery to his friend by having an affair with his wife; marries a girl to save himself from his creditors, then drives her to attempt suicide because of his infidelities; and causes his father's death by drunken driving. Rex Harrison, as the wastrel, is extremely good; in fact, his performance, aided by some brilliant dialogue, gives the picture a fascinating quality, despite its lack of moral. Much sympathy is felt for Lilli Palmer, as his wife, because of the unhappiness he brings into her life:—

Expelled from Oxford because of his irresponsible ways, Harrison returns home to his disappointed father (Godfrey Tearle), who secures a position for him on a South American coffee plantation. There he becomes intoxicated, speaks his mind about the management, and is immediately dismissed. Returning to England, he goes on a prolonged spree, lands in jail, and is bailed out by Griffith Jones, an old school chum. When he discovers that Jones' wife was a girl he had romanced with in Oxford, Harrison starts an affair with her and soon finds himself cited in his best friend's divorce suit. He next takes up motor racing and before long finds himself stranded in Vienna, penniless, at the time of the Anschluss. There, Lilli Palmer, an Austrian Jewess, pleads with him to marry her to save her from the Nazis. He agrees on condition that her father would pay all his debts. They return to London, where, despite Harrison's trickery in mulcting her father, she falls in love with him. He returns her affection but soon finds himself in love with Margaret Johnston, his father's secretary. Lilli, distraught, attempts to drown herself, but Harrison rescues her. On the following day, he smashes his car through drunken driving, injuring Lilli and killing his father. Disconsolate, he disappears and months later is found by Margaret working as a gigolo in a cheap dance hall. Meanwhile, Lilli had divorced him. Margaret takes him in hand and helps him to regain his self-respect. He asks her to marry him but disappears on their wedding day. She hears nothing more from him until newspapers proclaim the fact that he had met a hero's death in the war, dying with the same recklessness that had characterized his way of life.

Sidney Gilliat and Frank Launder wrote the screen play and produced it from a story by Val Valentine. Mr. Gilliat directed it. The supporting cast is all-British.

decision of complaints of the commission of unfair trade practices. It also established "Clearance and Zoning Boards" to "formulate, prescribe and publish . . . schedules of clearance" each year for their respective territories, and declared that the schedules so published and the decisions of the boards should be binding upon all distributors and exhibitors in the territory.⁷⁶ It gave to any person aggrieved by the schedules a right to a hearing before the board and to any person aggrieved by a decision the right of appeal to the Code Authority.

During the operation of the Code the anti-trust laws were suspended in many important respects,⁷⁷ and, as a practical matter, the only avenue of relief against unfair trade practices open to an exhibitor was through the grievance and clearance boards. On each of these boards there was an impartial member, appointed by the Code Authority, but there were also representatives of distributors and affiliated exhibitors. Independent exhibitors, therefore, were under a tremendous handicap when seeking to establish claims against affiliated interests. The boards operated for a limited period with very doubtful success; in 1935 the N.R.A. was declared unconstitutional by the Supreme Court;⁷⁸ and the code, with its boards and regulations, passed into peaceful oblivion.

Another important step in the principle of arbitration in the motion picture industry resulted from the entry of the Consent Decree of November 20, 1940. Under it many controversies between exhibitors and the consenting defendants—the "Big Five," but not the "Little Three"—are arbitrable, but many disputes of greater significance are not within its scope, and other subjects of controversy are hedged in and restricted by such technical language that arbitrators and the Appeal Board alike have found it impossible to eliminate the causes of many just grievances. Under this decree, consequently, substantial relief has been granted exhibitors, with comparatively few exceptions, only against patently unreasonable clearance.⁷⁹

(b) Administration of Arbitration Tribunals

In the event a system of arbitration is contained in the final decree, what provisions may it reasonably be expected to contain in regard to the formation and administration of the arbitration tribunals? The language of the Court gives at least a partial answer.

In their opinion the Court have unqualifiedly approved the present arbitration system, with one important exception. They said:

" . . . If the defendants will consent to an arbitration system for the determination of such disputes of the kind that has worked so well under the consent decree, they will facilitate the adjustment of most of the differences that are likely to occur, with a large saving of time and money as compared with separate court actions."

In the portion of the order just quoted they declared that the decree should also provide for "an appeal board generally similar to the one created by the consent decree. . . ."

But in effect they disapproved of the present practice of having arbitrations with no financial interest in and not connected with any branch of the industry.⁸⁰ They said, among other things:

" . . . The decision of such controversies as may arise over clearances should be left to local suits in the area concerned, or, even more appropriately, to litigation before an Arbitration Board composed of men versed in the complexities of this industry."

Logically it would seem that the conclusion reached by the Court to have as arbitrators "men versed in the complexities of this industry" is correct. Knowledge is a prime requisite to sound judgment; and the motion picture business is indeed complex, with many strange and unusual practices.

But in this industry, unfortunately, experience has not always been consonant with abstruse logic. The arbitration boards under the old standard exhibition contract and the grievance boards and the zoning and clearance boards under the N.R.A. were composed largely of men actually engaged in the industry as affiliated or independent distributors or exhibitors. Frequently they regarded themselves as representatives of the branches by which they were se-

lected, rather than as members of an impartial tribunal. It was not wholly improbable, either, that an independent distributor might have his judgment warped by the realization that he was negotiating a deal with a large circuit which was a party to a case pending before the board, or that an independent exhibitor could not banish from his mind the recollection that he was then negotiating for the product of a major distributor. Affiliated representatives, however, could be relied upon to remember the source of their salary checks. With such arbitrators a motive for personal advantage could never be wholly absent.

Under the Consent Decree, however, the arbitrators were men who had no financial interest in the industry and were not connected in any way with any branch of it. They received only nominal compensation, and, in performing their arduous duties, they were apparently actuated by a desire to render a public service as public-spirited citizens. The experience of the writer in more than one arbitration tribunal, in conjunction with information gained from other sources, leads him to the belief that on the whole these arbitrators, whether judges, lawyers, architects, accountants or other business or professional men, performed their duties, to the best of their ability, in a conscientious manner.

Obviously, according to the American standard of jurisprudence, the ideal arbitrator would be a man "versed in the complexities of this industry," as prescribed in the decision of the Statutory Court, but also, in the language of the Consent Decree, a person who has no "financial interest in," and no "connection with, the production, distribution or exhibition of motion pictures," and who has no "interest in any motion picture theatre as landlord, lessor, or otherwise."⁸¹ The most important qualifications are intelligence and impartiality. Arbitrators should be, like judges of courts of record, and, like Caesar's wife, above suspicion.⁸²

In the early history of the Appeal Board, particularly in the first year of its existence, many of its decisions manifested a lack of appreciation of conditions in the industry and a want of sympathy with the problems of independent exhibitors. During that time the Board was inclined to construe the Consent Decree, especially the provisions in regard to "some run" and the "taking away of a run" from an independent exhibitor by a circuit, in a strict and technical manner, and in other cases to override, for no apparent reason, the awards of arbitrators who had based their findings upon their knowledge of the local problems involved and upon oral testimony that was not susceptible of reproduction in a typewritten record. In recent years, however, the Board has shown a tendency to adopt the awards of arbitrators, unless in its opinion clearly wrong, and to interpret the decree in a less technical manner, in order to give the relief for which it was intended; and, in some decisions, particularly in clearance cases, it has in effect overruled or modified its early decisions in substantially parallel cases.

The work of the American Arbitration Association as administrator has been exemplary. It would be extremely difficult, if it were possible, to find a more impartial and efficient agency for the administration of a motion picture arbitration system.

⁷³ *United States v. Paramount Famous Lasky Corp.*, 34 F. (2d) 984.

⁷⁴ *Paramount Famous Lasky Corp. v. United States*, 282 U.S. 30.

At the same time the Court condemned as illegal the activities of the Film Boards of Trade established by the distributors. *United States v. First National Pictures, Inc.*, 280 U.S. 44, reversing (D.C., S.D., N.Y.) 34 F. (2d) 815. These decisions are discussed by the writer in his article in HARRISON'S REPORTS, April 25, 1936, under the sub-title "Standard Contract: Arbitration and Credit."

⁷⁵ N.R.A. so-called. The Code was approved by the President November 27, 1933.

⁷⁶ Code of Fair Competition for the Motion Picture Industry, Art. VI.

⁷⁷ See the article by the writer on "Industrial Recovery and the Anti-Trust Laws," Boston University Law Review, November, 1933, Vol. XIII, No. 4, p. 577.

⁷⁸ *Schechter Poultry Corp. v. United States*, 295 U.S. 495.

⁷⁹ In the *Schine Case* Judge Knight remarked: "Just what was accomplished by the Decree, other than some arbitration of clearances, does not appear." *United States v. Schine Chain Theatres, Inc.* (D.C., W.D., N.Y.) 63 F.Supp. 229.

⁸⁰ Consent Decree in *United States v. Paramount Pictures, Inc.*, et al. entered November 20, 1940, Article XXII, Paragraph 3.

⁸¹ Consent Decree entered November 20, 1940, Art. XXII, Paragraph 3.

⁸² Plutarch, Life of Caesar, Ch. X.

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A Legal Analysis of the Statutory Court's Decision—No. 13

By George S. Ryan

(c) Scope of Arbitration

In their opinion the Expediting Court have suggested that the following matters may well be the subject of arbitration:

- (1) Bids.
- (2) Run.
- (3) Clearance.
- (4) Other subjects appropriate for arbitration.

In considering arbitration it should always be borne in mind that the creation of arbitration tribunals can result only from agreement of the parties. And it should be noted that, with the exception of clearance, the Court have given no indication of the extent of relief which may be granted under the proposed arbitration procedure.

In language already quoted the Court indicated that arbitration would "facilitate the adjustment of most difficulties that are likely to occur, with a large saving of time and money"; but they warned that, if the disputes were not arbitrated, the only relief from violation of the anti-trust laws would be by local action. They said:

"A suit in the district court for violation of the Sherman Act is doubtless an awkward way to cure such ills as have arisen, but it is perhaps the best remedy now available to the government. There surely are evils in the existing system, and the Sherman Act provides a mode of correction which is lawfully invoked. At all events, that which is written is written, and is controlling on us."

In the trade papers Abram F. Myers, general counsel of Allied, is quoted as saying:⁶³

"... Defendants' greatest danger is that they now face treble damage by all exhibitors who have suffered injury as a result of defendants' illegal practices. This is all the more serious because the Bigelow decision has opened new ways for proving damages which formerly were not available."

The defendants, therefore, are faced with the alternative of consenting to the creation of an extensive system of arbitration that will eliminate sore spots in the industry and provide a more efficient remedy than actions under the anti-trust laws, or of (1) defending local suits brought by the Government for the correction of the evils existing in the industry, (2) protecting themselves from prosecution for contempt under the decree, and (3) defending anti-trust actions for treble damages and injunction brought by independent exhibitors, and possibly by independent distributors, in various sections of the country.

(1) Bids

Obviously a dispute between competing exhibitors as to the propriety of the grant of a license may well be a subject of arbitration, unless, as already suggested by the editor of this magazine,⁶⁴ boards are set up in advance in the various exchange centers to supervise the bidding procedure. Conceivably the creation of such boards might eliminate the necessity for arbitration.

The factors entering into competitive bidding, as outlined by the Court, have already been mentioned.⁶⁵ Whether, in the event of a dispute between competitors, any of such elements are present or absent is obviously a question of fact which may properly be submitted to the determination of an impartial arbitration tribunal.

(2) Run

In their opinion the Court placed no specific emphasis

upon the arbitration of disputes as to run. Clearly, however, the desirability of an exhibitor for a particular run raises a question within the scope of the competitive bidding features of the proposed decree, as outlined by the Court.

Here it may be suggested, for example, that if a feature for which two exhibitors have bid has been awarded to one of them by the distributor, and the other exhibitor has subsequently prevailed in an arbitration proceeding, after his competitor has shown the feature, some award should be made to the prevailing exhibitor as compensation for the damage he has sustained by the loss of the feature on the run desired. If not, why should he arbitrate, instead of asserting his rights under the anti-trust laws?

(3) Clearance

To a considerable extent the decision of the Expediting Court in regard to clearance has already been analyzed in this paper.⁶⁶ There remain for consideration, however, questions in regard to the rules under which clearance may be arbitrated, and, consequently, the desirability to exhibitors of submitting disputes to arbitration.

After finding that the defendants had created a uniform system of clearance and had maintained unreasonable clearances, and suggesting that the decision of controversies on this subject should be left to local suits, or, "even more appropriately, to litigation before an Arbitration Board," the Court proceeded to establish criteria of reasonableness in the following language:

"In determining the reasonableness of the specific clearances which may come before these tribunals, they should consider whether the clearance has been set so as to favor affiliates or control the admission prices of the theatres involved. A distributor will naturally tend to grant a subsequent run to and clearance over a theatre for which the owner of his own volition sets a low admission price, for the distributor will be inclined to seek out the higher priced theatres first where the revenue is likely to be greater and consequently in case of licenses on a percentage basis where a percentage share will be higher. This, however, would seem the inevitable result of the competition for the distributor's films from theatres which are the larger or better equipped, and for which higher admission prices may therefore be charged by their operators. Such competition the lower priced theatres must be prepared to meet, or else be content with subsequent runs and grants of clearance over them. The temptations to the distributor to use clearance grants to force a theatre to raise its prices and thus to qualify for prior runs having less clearance over it, and more clearance over competitors are nevertheless obvious, and the courts or arbitration board should guard that this is not done. Clearance should be granted on the basis of theatre conditions which the exhibitor creates, not the distributor. The line to be drawn is indeed indistinct, but its existence is no less real."

Thereupon the Court specified the factors that should be taken into consideration in determining the reasonableness of clearance. Generally these factors are the same as those prescribed in the Consent Decree. Summarized, they are as follows:

(Continued on last page)

"The Strange Woman" with Hedy Lamarr, George Sanders and Louis Hayward

(United Artists, Oct. 25; time, 100 min.)

A fairly good melodrama of its kind, but it is strictly adult entertainment, and at that best suited for large downtown theatres. Its story of lust and greed is extremely unpleasant, and the leading character, a beautiful but conscienceless woman, stops at nothing to gain what she wants. The whole story centers around her nefarious activities, which she cloaks with acts of kindness, and it shows how she progresses through unsavory methods such as marrying an old man for his money, vamping her step-son and luring him into committing patricide, then discarding the young man so that she could devote herself to stealing her best friend's fiancé. There is no human interest and not one of the characters is sympathetic. Not even the good acting of the cast is able to lift the picture out of its unwholesome state. It may, however, draw fairly well at the box-office because of Miss Lamarr's popularity, and of the fact that the story is based on the best-selling novel of the same name by Ben Ames Williams. The action takes place in Bangor, Me., in 1820:—

Hedy, an inherently cruel young woman, rebels against her drunken father (Dennis Hoey) and runs for protection to the home of Gene Lockhart, an aged, wealthy shopkeeper, who coveted her. Lockhart tricks several leading citizens into suggesting that he marry Hedy to protect her. Hedy, considering his wealth, is not averse to the idea. Cleverly covering up her cruel nature with a display of charity and kindness, Hedy, as Lockhart's wife, becomes the central figure in town. She induces Lockhart's son, Louis Hayward, her childhood sweetheart, to return home from college and, in her cruel, designing way, taunts him into loving and desiring her. When Lockhart takes ill, Hedy cares for him devotedly but confides to Hayward her wish that the old man would die. Meanwhile she finds herself attracted to George Sanders, supervisor of one of her husband's lumber camps and fiancé of Hillary Brooke, her best friend. To clear the way for her conquest of Sanders, Hedy promises herself to Hayward if he would kill his father. Hayward achieves the old man's death through accident, but Hedy, now mistress of a fortune, refuses to have anything to do with him. She then sets out on a campaign to win Sanders away from Hillary, and eventually succeeds in marrying him. Meanwhile Hayward degenerates into a drunkard and kills himself. In the course of events, Sanders begins to notice Hedy's sadistic tendencies and, during a quarrel, learns her true nature when she incautiously reveals that she had prompted Hayward to kill his father. He leaves her, and Hillary, learning of his unhappiness, goes to console him. Seeing him together, Hedy becomes infuriated with jealousy and deliberately tries to run them down with her team of horses. But the wheels of her carriage hit a rock, and Hedy, thrown from the vehicle, dies.

Herb Meadow wrote the screen play, Jack Chertok produced it, and Edgar Ulmer directed it. It is a Hunt Stromberg production. The cast includes Olive Blakeney, June Storey and others.

"Secret of the Whistler" with Richard Dix and Leslie Brooks

(Columbia, Nov. 7; time, 64 min.)

This program murder melodrama is routine program fare. There is little about the story that is novel, and it is held together by a string of improbable circumstances. Moreover, it is unpleasant, and there is not even the element of human interest in it because the central characters are vicious persons and their actions are obnoxious. The hero, an artist, is a philandering married man, who resorts to murdering his wife in order to be free to marry his model, a scheming gold-digger, who in turn tries to hand him over to the police only to be strangled to death herself. Nothing worthwhile is shown in the story and, except for the avid followers of this type of pictures, it can hardly be classed as entertainment:—

Richard Dix, an artist married to a wealthy but ailing woman (Mary Currier), on whom he depended for support, becomes infatuated with Leslie Brooks, his model. Unaware of her husband's infidelity, Mary pays a surprise visit to his studio and overhears him making love to Leslie. Shocked by her discovery, she orders Dix to leave her home and informs him of her intention to strike his name from her

will. Dix plans to kill her before she can make good her threat. He sneaks into her bedroom and, thinking her asleep, pours a few drops of poison into one of her medicine bottles. Mary, aware of what he had done, makes a note of the incident in her diary. She subsequently dies of a heart attack, but Dix, because he had murdered her, cremates her body to destroy all evidence of poison. Three months later, he marries Leslie. Newspaper stories about a murder that had been committed under circumstances that paralleled his own case cause Dix to become concerned lest it be discovered that he had poisoned his wife. Meanwhile Leslie, seeking to gain control of the fortune that had been left to Dix, suspects him of foul play in connection with Mary's death and searches for evidence against him. She succeeds in locating his dead wife's diary containing the incriminating notation. Dix learns of her discovery and of her intention to turn him over to the police. Pretending to embrace her, he strangles her to death just as the police arrive at his home. Ironically enough, he finds himself held for a murder he need not have committed since the police had proved that he was not responsible for his first wife's death.

Raymond L. Schrock wrote the screen play from a story by Richard H. Landau. Rudolph C. Flothow produced it, and George Sherman directed it. The cast includes Michael Duane, Mona Barrie, Ray Walker and others.

Adult entertainment.

"Song of the South" with Bobby Driscoll, Ruth Warrick and James Baskett

(RKO, no release date set; time, 94 min.)

This latest of Walt Disney's feature productions is fine entertainment for children, and even for adults who do not insist that their motion picture fare be served with an abundance of sex, for there is none in this picture. Photographed in Technicolor, combining live and animated action, and using as its theme the tales of Uncle Remus, the story is a completely charming account of a little boy's adventures on a plantation, sympathetically told, and with marvelous performances by Bobby Driscoll, as the boy, and by James Baskett, a colored actor, as Uncle Remus, whose tender understanding of the child's problems gives the picture many appealing moments. It is a simple but sensitive and pathetic story, filled with deep human interest and fine, clean comedy situations, and it has an air of wholesomeness that comes as a pleasant relief from the general run of pictures nowadays.

About two-thirds of the picture is live action, and about one-third animated action, with certain parts of it being a combination of both, executed in Disney's most imaginative manner.

The live action part of the story concerns itself with Bobby's childish adventures on his grandmother's plantation, to which he had come to live with his mother, and with his loneliness over the fact that his father, because of business reasons, could not be with him. The cartoon sequences are the tales told to Bobby by Uncle Remus every time the child finds himself faced with a problem. From each of these tales, which revolve around the adventures of Brer Rabbit, Brer Fox and Brer Bear, Bobby draws a moral lesson that helps him to overcome his particular problem at the time. For instance, when Bobby decides to run away from home to join his father in Atlanta, Uncle Remus tells him of how Brer Rabbit tried to run away from his troubles only to run into new ones that sent him straight back to his Briar Patch. From another one of the tales, in which Brer Rabbit saves himself from being roasted alive by Brer Fox and Brer Bear, Bobby learns the lesson of how to use his head to get out of a predicament.

The pathetic part of the story is brought about by the fact that Bobby's mother (Ruth Warrick), believing that Uncle Remus' stories were confusing the child, orders the aged negro to stay completely away from him. Stunned, the old man decides to leave the plantation. Bobby, to stop him, cuts across a pasture and is injured seriously by a charging bull. How he regains his health after being rejoined by both his father and Uncle Remus brings the story to a happy conclusion.

Dalton Reymond, Morton Grant, and Maurice Rapf wrote the screen play from Mr. Reymond's original story. Perce Pearce is the associate producer, and Harve Foster directed the players. The cast includes Luana Patten, Lucille Watson, Hattie McDaniel, Eric Rolf and others.

(Continued from back page)

grant or refusal of clearance is the prerogative of the distributor, as the copyright owner, and that normally, in the absence of conspiracy or circuit affiliation, a distributor will grant clearance only for the protection of its own revenue.

If, contrary to its own business judgment and its own financial interests, a distributor is forced to grant substantial clearance for the protection of the revenue of a dominant circuit, with large, well-appointed prior-run theatres, to the detriment of subsequent run exhibitors, then the beneficial purposes underlying the system of arbitration may be perverted to unjust ends.

Generally the elements enumerated by the Court, with the exception of the fourth, relating to rental terms and license fees, undoubtedly will have the effect of protecting the revenue of the first-run exhibitor. To what extent they may affect the revenue of the distributor is problematical. In arbitration proceedings under the Consent Decree in which the writer has participated, and in many other proceedings of which he has knowledge, either from the decisions of the Appeal Board or from other sources, considerable stress was laid by the first-run exhibitors, and by the arbitrators and the Appeal Board, upon the operation and requirements of the prior-run exhibitor, the cost of construction of his theatre and its expenses of operation. Because of the specific terms of the Consent Decree, such emphasis may have been warranted. But these elements, it is believed, are irrelevant and superfluous. Under the copyright laws, so far as modified by the anti-trust laws, the chief element should be the effect upon the business and revenue of the distributor in granting or refusing to grant clearance.

The decision and the order for a decree adopt the theory enunciated in the Consent Decree. This decree, however, like most agreements in legal proceedings, was the result of temporary compromise between the conflicting contentions of the Government and the defendants; and it is obvious that in negotiating the clearance provisions therein the defendants were endeavoring to protect their interests in theatres, as well as their rights as distributors. Perhaps in the final decree some changes beneficial to subsequent-run independent exhibitors will be made.

(4) Other Appropriate Subjects for Arbitration

In this paper it has already been pointed out that the Court has suggested that provision be made in the decree for the arbitration, not only of bids, runs and clearance, but also of other appropriate subjects. These subjects are not specified in the decision, but, in view of the expressed desire of the Court to substitute arbitration, wherever feasible, for anti-trust litigation and contempt proceedings to enforce the decree, it is not unlikely that the parties will agree, under the supervision of the Court, for the arbitration of other matters that for years have been in controversy, as well as questions involving the interpretation and application of the decree.

Among the subjects appropriate for arbitration are controversies in regard to the scope and effect of the decree, and charges that a defendant has violated its provisions. Obviously a violation may consist of the neglect or refusal of a defendant to perform some part of the decree; but it is most likely to occur in connection with the selection of the customer under the competitive bidding system, or the block booking of features, shorts or news, or the cancellation provisions of the decree, or because a defendant is charged with discrimination in favor of affiliated theatres or large circuits against small independent competitors. Other appropriate subjects are whether a distributor has improperly refused to license an independent on "some run" or has "sold away" from him to a circuit, and whether a defendant exhibitor has overbought product or has attempted to monopolize by eliminating competition through local price cutting, unfair competition, or other predatory practices.

Clearly it would be to the advantage of the defendants to have all such disputes submitted to the jurisdiction of arbitration tribunals. Under the anti-trust laws, as interpreted by the Statutory Court, the field of litigation may be extensive. Eliminating for the moment any probability of intervention by the Government through punitive contempt pro-

ceedings, through civil action in various localities, or even through indictment in criminal proceedings, it is clear that under the decision both independent distributors and exhibitors are in a position to assert a wide variety of claims in various districts of the country. The decision is of value to such independents, not only because of its adjudication of the illegality of many practices, but also because, under the anti-trust laws, proof of the final decree in an anti-trust action against one or more of the defendants may dispense with evidence to establish the illegality of the condemned practices in subsequent litigation.⁸⁹

Many of these disputes may be eliminated and considerable litigation avoided if the distributors, abandoning the policies which they have formerly pursued, will present to the Court a fair and comprehensive plan for arbitration. Such a system should cover a wide range of practices that in the past have been the subject of controversy. It should have safeguards to insure, so far as human limitations permit, that it will mete out exact and equal justice and provide speedy and effective relief.

To be attractive to independent operators, the arbitration system should create suitable substitutes for the other remedies available to them under existing law. Certainly it should provide that a complainant who prevails in a proceeding should be fully reimbursed for all costs and expenses incurred. And if a complainant foregoes his right to sue for treble damages under the anti-trust laws, should he not be awarded at least his actual damages or other compensation for the injury he has sustained?

In any event, the arbitration system should eliminate any expense to an independent complainant because of the institution of a meritorious proceeding. Under the present inadequate system a complainant is obliged to pay not only his own expenses, such as travel and attorneys' fees, but also a portion of the total costs, including filing fees, arbitrators' compensation, and the charges for the transcript of the testimony. The defendants should be willing to assume all this expense. Through arbitration they will save substantial sums of money by avoiding protracted, expensive litigation, with the danger of substantial judgments for damages.

Right now the intelligence, fairness and business statesmanship of the defendants are facing a crucial test. If they present to the Government and the Court an adequate plan for the peaceful settlement of disputes, it is not unlikely to prove the high road to industrial harmony. But if, pursuing their time-worn and unhallowed practices, they seek, not only to retain the fruits of their illegal activities, but also to perpetuate those practices and continue their policy of discriminating against independent operators, then they alone will be responsible for the result. The Government has been extremely patient with the defendants; every act and agreement condemned by the Court is a misdemeanor under the anti-trust laws; and, as will be shown in the conclusion of this series of articles, an unwise policy of antagonism to the Court and the Government may be a constant source of danger, not only to the distributing corporations, but also to the executives of those companies in an even greater degree.

⁸⁹Boxoffice, August 3, 1946, p. 9. The accuracy of this prediction is demonstrated by the reports of anti-trust actions recently filed by independent exhibitors in various sections of the country. Parenthetically, however, it might be noted that the method of proving damages employed in the *Bigelow Case* is no innovation. This method has been used many times previously in anti-trust actions. The theory was first successfully applied to the motion picture industry, it is believed, in 1919, in *Orbach v. Paramount Pictures Corporation*, 233 Mass. 281.

⁹⁰HARRISON'S REPORTS, July 6, 1946.

⁹¹HARRISON'S REPORTS, September 28, 1946.

⁹²HARRISON'S REPORTS, August 24, 31, 1946. The subject is also discussed by the editor in the Layman's Analysis, HARRISON'S REPORTS, June 29 and July 6, 1946.

⁹³Consent Decree, Section VII, par. numbered (1).

⁹⁴In the *Interstate Circuit Case* the Supreme Court reiterated their view that clearance resulting from the demand of a dominant circuit, which had no copyright, was illegal. The subject might be elaborated in some detail. Where, for example, is there anything in the anti-trust laws to penalize a subsequent run exhibitor, who, because of lack of product, has been compelled to use cash give aways or premiums? Yet in the order of a decree there is an explicit provision by which the presence or absence of such an operating policy may increase or decrease the clearance against him.

⁹⁵These provisions of the antitrust laws will be specified in the next section of this article, "Suggestions to Independents."

(Continued from front page)

- (1) Admission prices, "as set by the exhibitor."
- (2) The character and location of the theatres involved.
- (3) The policy of operation of the theatres.
- (4) The rental terms and license fees.
- (5) The extent of competition.

"(6) The fact that a theatre involved is affiliated with a defendant-distributor or with an independent circuit of theatres should be disregarded. . . .

"(7) There should be no clearance between theatres not in substantial competition."

Initially it is to be noted that the Court have disregarded the first factor specified in the Consent Decree: "The historical development of clearance in the particular area wherein the theatres involved are located."⁸⁷ The obvious inference is that, because the clearance system in all localities was developed as a result of conspiracy, it is worthy of no respect, either before the Court, or before an arbitration board.

The Court also disregarded the portion of the seventh element specified in the Consent Decree: "All other business considerations." Obviously such a provision is entirely too broad. An inexperienced arbitrator might let irrelevant evidence outweigh the important elements already specified.

In the order for a decree, after outlawing clearance by conspiracy, the Court declared:

" . . . no clearance should be granted against theatres in substantial competition with the theatre receiving a license for exhibition in excess of what is reasonably necessary to protect the licensee in the run granted. Existing clearances in excess of what is reasonably necessary to protect the licensees in the runs awarded to them shall be invalid pro tanto. . . ."

After repeating the factors already specified that should be taken into consideration in determining the reasonableness of clearance, the Court reiterated their view that "There should be no clearance between theatres not in substantial competition."

In one respect, at least, it seems that the remarks of the Court on this subject are inconsistent. In the paragraph already quoted they said in effect that the arbitrators "should consider whether the clearance has been set so as to favor affiliates. . . ." Yet the sixth of the factors specifically mentioned is that the affiliation of a theatre with a distributor or an independent circuit should be disregarded.

To a person familiar with existing practices, however, particularly in regard to the origin and development of clearance, it would seem that the fact of affiliation with a circuit should not only be taken into consideration by an arbiter, but that it should also be regarded as one of the most important single elements. The unfair exercise of buying power by circuits has been one of the greatest evils afflicting the industry. Without buying power an exhibitor would find it difficult to secure unreasonable clearance by conspiracy over a competing theatre. In many situations, also, affiliated theatres obtain very substantial clearance over independent competitors; yet they frequently permit their own subsequent run houses to operate on a moveover-run basis or on a very favorable availability. In setting up clearance the distributors make a distinction between producer-controlled and independent exhibitors.

From language already quoted it appears that the Exempting Court is of the view that "Clearance should be granted on the basis of theatre conditions which the exhibitor creates, not the distributor." They explained that "The line to be drawn is indeed indistinct, but its existence is no less real." Apparently, in conformity with this view, many of the conditions specified as of value in the determination of clearance are those created by the exhibitor.

Technically this view is beyond criticism, in the sense that the distributor has no right to impose conditions of operation upon the owner of a theatre. But it appears to assert a supposed right of an exhibitor to secure clearance—which is in its last analysis protection from competition—in accordance with the character of the theatres involved and their policies. It gives little weight to the rule of law⁸⁸ that the

(Continued on inside page)

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A Legal Analysis of the Statutory Court's Decision—No. 14

By George S. Ryan

Suggestions to Independents

Previously in this paper, during the discussion of various acts, agreements and practices condemned by the Expediting Court, some views have been expressed in regard to the impact of the decision upon the business of independent operators. In this section it is the intention to supplement these opinions by further comments which, to be of value, should be read in the light of the views already expressed.

In a complicated situation, such as is presented by the opinion of the Statutory Court, it is difficult, if not impossible, to reconcile all divergent views or to make suggestions applicable to all operators. Because, after all, there are several classes of independent exhibitors and distributors, with conflicting interests. There are "independent" circuit operators controlling theatres in closed towns, as well as independents owning subsequent-run houses in competition with large circuits. There are independent producers who release their product through major companies, as well as independents who have their own distributing organizations and those who distribute through States rights agencies. Undoubtedly each class desires to interpret the decision in the light of its own peculiar interests.

It must be kept in mind also that no generalization is applicable to all situations. In the law there is an axiom that every case depends upon its own facts. No decisive action should be taken on any important issue, therefore, without competent advice based upon a full disclosure of all material facts.

In making these suggestions it is assumed that a decree will be entered substantially in accordance with the order of the Statutory Court; that, upon appeal to the Supreme Court, the findings of fact relating to violations of law by the defendants will be sustained; and that the remedies for these violations of law, with the probable exception of the portions of the decree denying the prayer for complete divestiture of theatres, will be substantially affirmed. But again it must be emphasized that the order for the decree is only tentative, and that, until the decree is entered and approved by the Supreme Court, it cannot be considered final and binding upon any persons engaged in the motion picture industry.

With these words of caution it is now proposed to comment upon the value of the decision as a whole.

VALUE OF THE DECISION

First, be grateful to the Government and the Court for this decision. In all probability it is the most significant document in the legal history of the industry. Even though in all details it may not be beyond criticism, fundamentally it is sound and wholesome. The findings of fact have met with wide approbation; the remedy alone has been a target of criticism. When, however, the decision has been tested in the fire of justice glowing in the Supreme Court, where any imperfections will be purged away, it may prove a charter of economic liberty to the entire industry.

Secondly, study the decision thoroughly and ascertain your rights and obligations under it. Comply with it fully, in letter and in spirit. Do not be deluded by misleading propaganda, irrespective of the source from which it originates; entirely too many people with personal axes to grind

are able to get the ear of the public. Before reaching any conclusion, decide for yourself what it means for a "spokesman" for major distributors, or for M.P.T.O.A., or for some other organization, to approve or condemn portions of the decision. If in doubt, ascertain for yourself who compose these organizations and determine to what extent their financial interests are compatible with a state of fair competition in the various branches of the industry. Always have in mind, too, that this is a government of laws, not of men, of organizations or of resolutions.

ENFORCEABILITY OF EXHIBITION CONTRACTS

From the decision of the Expediting Court it is clear that the provisions in existing exhibition contracts fixing minimum admission prices, prescribing unreasonable clearance by conspiracy or establishing clearance as a part of a uniform system or structure, are outside the pale of the law. It is equally obvious that the Court has stamped with the brand of illegality block-booking contracts and such arrangements between the major defendants as franchises, master contracts and formula deals, and contracts discriminating in favor of large circuits.

But, as already suggested, the condemnation is only tentative until a final decree has been recorded. In the meantime, therefore, the defendants are not obliged to treat these agreements and practices as unlawful; and they may, at their peril, attempt to enforce them. Current reports are to the effect that the distributors are no longer attempting to prescribe admission prices, although there is nothing to indicate that they have broken down any clearance structures resulting from their joint arrangements.

Occasionally the statement has been made that there is not a legal exhibition contract in existence in this country today. The assertion is somewhat broad, for reasons hereinafter mentioned, but in general it expresses a truism. Undoubtedly there are in existence few, if any, license agreements devoid of unlawful provisions.

In the law it is an established doctrine that a contract containing an illegal stipulation may be otherwise unobjectionable, and that if, when the unlawful provision is eliminated, the remainder of the contract gives effect to the assumed intention of the parties, the remaining portions may be binding and enforceable. The question may arise, therefore, whether any of these invalid provisions in the exhibition contracts taint the entire contract so that no action to enforce it may be maintained.

A similar question arose after the condemnation by the Supreme Court of the arbitration provision in the Standard Exhibition Contract.⁹⁰ In some jurisdictions the distributors were able to convince the courts that this clause was severable from the remainder of the contract, and that, with the illegal provision eliminated, the contract should be enforced. In other courts it was held that the entire contract was invalid and unenforceable.⁹¹

No general rule can be announced, therefore, which is applicable to all contracts in all States. Indisputably the illegal provisions are unenforceable against the licensee; whether the contract is illegal in its entirety is dependent not only upon the nature of the stipulations in it but also upon the rule in regard to severability recognized in the

(Continued on last page)

**"The Verdict" with Sidney Greenstreet,
Peter Lorre and Joan Lorring**

(Warner Bros., Nov. 23; time, 86 min.)

A well produced, expertly directed, murder mystery melodrama. It grips the spectator and holds his attention throughout because of the complexities of the plot. It is so cleverly contrived, and so many persons are under suspicion, that one cannot be certain at any time as to the identity of the murderer. As a matter of fact, the ending comes as a surprise, for the one who had committed the murder is the one least suspected. And the motive of the crime is somewhat novel—that of proving the fallibility of circumstantial evidence. An interesting twist is that the murderer succeeds in committing the perfect crime, confessing only because an innocent man was about to die for it. The story is set in the London of 1890, during the gaslight era, and the gloomy backgrounds lend themselves perfectly to a story of this type:—

Sidney Greenstreet, superintendent of Scotland Yard, is dismissed by his superior when it is discovered that he had caused an innocent man to be hanged on circumstantial evidence. George Coulouris, Greenstreet's scheming subordinate, replaces him, vowing that he would not make such a tragic mistake. Greenstreet's best friend, Peter Lorre, gives a party to cheer up the deposed official, but it is spoiled by a political argument between Paul Cavanagh, a member of Parliament, and Morton Lowry, wealthy nephew of the woman for whose death the innocent man had been hanged. Outside, Cavanagh threatens Lowry, and their quarrel is overheard by Joan Lorring, a music hall entertainer of questionable morals, who berates Lowry for failing to keep an appointment with her and threatens him just as Greenstreet and Lorre emerge from the house. On the following morning, Lowry is found murdered in bed. Coulouris suspects that either Joan or Cavanagh had committed the crime but releases them when they satisfactorily establish alibis. Still doubting Cavanagh's story, however, Coulouris searches his room and finds evidence that contradicts his alibi. He uses this circumstantial evidence to bring Cavanagh to trial and succeeds in having him sentenced to death. Actually, Cavanagh had spent the night of the murder with a titled married woman, but he preferred to offer no defense rather than speak the truth and ruin her reputation. Greenstreet, aware of Cavanagh's dilemma, tries to locate the woman to save Cavanagh's life only to learn that she had died, thus ending Cavanagh's last hope. On the night of the execution, however, Greenstreet storms into the prison, demands a stay of the sentence, and reveals that he had murdered Lowry, for two reasons—to make a fool of Coulouris on circumstantial evidence, and to bring Lowry to book, because the young man had committed his aunt's murder and had permitted an innocent man to hang for it.

Peter Milne wrote the screen play from a novel by Israel Zangwill, William Jacobs produced it, and Don Siegel directed it. The cast includes Rosalind Ivan and others.

Adult entertainment.

**"Wanted for Murder" with Eric Portman
and Dulcie Gray**

(20th Century-Fox, November; time, 91 min.)

This British-made picture is another in the category of psychological murder melodramas and, as such, should give ample satisfaction to the followers of this type of pictures, for there are several murders and the suspense is sustained fairly well. There is no

mystery involved since the audience is aware from the start of the killer's identity. One's interest, therefore, lies in the methods pursued by Scotland Yard to track him down. It is a well produced picture and the performances are competent, but its mass appeal in America is doubtful for several reasons—there is nothing unusual about either the story or its presentation, the action is somewhat slow in spots, the theme is unpleasant, and the players are not well known in this country. At best, it belongs on a double feature program:—

Eric Portman, a successful and respected London business man, lives with his mother, Barbara Everest, and is in love with Dulcie Gray, a shop girl, who finds his occasional fits of temper disconcerting. Unknown to Dulcie, Portman was obsessed with an urge to murder young girls, a homicidal tendency he traced to his grandfather, who had been Queen Victoria's public hangman. A handkerchief found near one of Portman's latest victims is traced to Portman by Inspector Roland Culver, who becomes suspicious of him, despite his seemingly air-tight alibi. Aware that Culver suspected him, Portman gets a sadistic delight out of feigning cooperation with Scotland Yard and at the same time plotting and committing additional murders to further embarrass and baffle Culver. A battle of wits develops between the two men, and Culver, although confident that Portman was the slayer, does not arrest him because of lack of sufficient evidence. Meanwhile Dulcie, discouraged by Portman's strange moods, falls in love with another man (Derek Farr). When Portman proposes marriage to her, Dulcie refuses but promises to meet him once again. Bitter over her refusal, he determines to kill her and sends an anonymous postcard to Culver boasting that he would commit another slaying that night. The postcard proves his undoing, for Culver, learning from Farr that Portman was to meet Dulcie in Hyde Park, throws a cordon of police around the park. In the course of events, Farr rescues Dulcie just as Portman is about to strangle her, but fails to prevent his escape into a lake within the park. There, rather than be captured by Culver's men, Portman drowns himself.

Emeric Pressburger and Rodney Ackland wrote the screen play from a stage play by Percy Robinson and Terence De Marney. Marcel Hellman produced it, and Lawrence Huntington directed it.

Adult entertainment.

**"Plainsman and the Lady" with
Vera Ralston and William Elliott**

(Republic, no release date set; time, 87 min.)

Just a routine Western; its appeal will be directed mainly to those who enjoy action pictures regardless of story values. Others will probably find it tiresome, for aside from good production values and a few exciting situations there is little else about the picture that is praiseworthy. Its story of how the Pony Express was founded is ordinary, and any typical movie-goer will be able to guess in advance just how the action will progress. Nor can much be said for the acting, but the players can hardly be blamed for failing to make an impression, for they are hampered by trite material and stilted direction:—

When Reinhold Schunzel, a wealthy Missourian, and Senator Russell Hicks announce the formation of the Pony Express, William Elliott, an adventurous cowboy, who was attracted to Vera Ralston, Schunzel's daughter, goes into partnership with them. Joseph Schildkraut, operator of a Southern stage

coach line, resolves to ruin the new company lest it interfere with his mail subsidies. In this he is joined by Gail Patrick, Schunzel's second wife, with whom he had been carrying on a secret love affair. Despite attacks by Schildkraut's agents, particularly Donald Barry, his triggerman, Elliott hires riders and organizes relay stations from Missouri to California. Meanwhile Schunzel becomes very ill, and Gail, at Schildkraut's urging, hastens the old man's death by revealing that she had been unfaithful to him. Now in control of her dead husband's affairs, Gail tries to dissolve the Pony Express, but Elliott foils her plan and determines to carry through the venture to success. Schildkraut, equally determined to sabotage the venture, sets out on a campaign of killing riders and burning relay stations, making it appear as if hostile Indians were responsible. Elliott reveals Schildkraut's trickery to the Indians and, with their help, hunts down the criminals. In a pitched battle, Schildkraut and his henchmen, including Gail, are killed. Satisfied that the Pony Express could now operate unhindered, Elliott turns his undivided attention to Vera.

Richard Wormser wrote the screen play from a story by Michael Uris and Ralph Spence, and Joseph Kane produced and directed it. The cast includes Andy Clyde, Raymond Walburn and others.

Unobjectionable morally.

**"Dick Tracy vs. Cueball" with
Morgan Conway and Anne Jeffreys**
(RKO, no release date set; time, 62 min.)

This second in the "Dick Tracy" series is a fair program melodrama. Although too many liberties have been taken with the plot construction, those who enjoyed the first picture in which Morgan Conway appeared as the famed comic-strip detective should find this one acceptable, too, for the action is fast-moving throughout and at times exciting. Discriminating audiences, however, will find little in it to interest them, for the story is far-fetched in the extreme. Considering the popularity of the comic strip on which the characters are based, the picture stands a fair chance at the box-office:—

A jewelry company messenger carrying \$300,000 worth of diamonds is robbed and murdered by Dick Wessel, a bald-headed strangler, who had been promised \$10,000 for the job by a trio of crooks (Rita Corday, Byron Foulger, and Douglas Walton). Summoned to investigate the case, Conway believes it to be an inside job and keeps an eye on Rita and Foulger, who were employed by the same jewelry firm. Meanwhile the messenger's murder frightens the crooked trio and they stall on paying off Wessel. With the "hot" diamonds in his possession, Wessel seeks refuge in a cheap rooming house operated by Esther Howard, a gin-loving old woman, whom he strangles when she tries to steal his loot. Later, when Walton offers Wessel only \$5,000 to turn over the jewels, he, too, is strangled. Through clever detective work, Conway learns of Wessel's identity and concocts a scheme to trap, not only Wessel, but also Rita and Foulger: He enlists the aid of Anne Jeffreys, his sweetheart, who poses as a wealthy socialite seeking to purchase an expensive necklace. As Conway hoped, Rita and Foulger learn of Anne's desire and communicate with her to make a deal for the jewels. Wessel, learning of his confederate's plan, intercepts Anne and offers to sell her the stones himself. When Anne stalls for time, she arouses Wessel's suspicions and he discovers that she was Conway's girl-friend. Conway arrives on the scene just as Wessel is about to strangle

her. He rescues Anne, recovers the diamonds, and pursues Wessel to a railroad yard, where the murderer loses his life beneath the wheels of a freight train.

Dane Lussier and Robert E. Kent wrote the screen play from a story by Luci Ward, Herman Schlom produced it, and Gordon M. Douglas directed it. The cast includes Ian Keith, Joseph Crehan, Lyle Latell and others.

Unobjectionable morally.

**"White Tie and Tails" with Dan Duryea,
Ella Raines and William Bendix**
(Universal, Aug. 30; time, 75 min.)

A fairly good farce. Despite the familiarity of the plot, which revolves around a talented butler who decides to masquerade as a rich man while his employer is away, it is for the most part amusing, and the situations, though not hilarious, do keep one chuckling throughout. Moreover, it has a pleasant quality, for the central character is a likeable, sympathetic fellow, who gets himself into trouble trying to help others. It has a pleasing romance, too, which is developed in a charming and at the same time comical manner. As the kindly butler, Dan Duryea does very well in a role that is a complete opposite of the ruthless villain he usually portrays. On the whole the picture does not rise above program grade, but it has sufficient marquee strength to top a double bill:—

When the family for whom he works leaves for a Florida vacation, Duryea decides to masquerade as a millionaire and induces Frank Jenks, the family chauffeur, to drive him about town. He goes to a swank night club, where he manages to make the acquaintance of Ella Raines, a society girl. Through clever manipulations he gets himself invited to a party in Ella's home, and during the course of the evening learns that she was concerned over her younger sister's mix-up with a gambling establishment operated by William Bendix. Duryea offers to straighten out the situation, and Ella accepts. At Bendix's place they learn that the sister owed a \$100,000 gambling debt, and Duryea, still posing as a millionaire, finds himself maneuvered into writing a check for that amount, with Ella assuring him that her father would reimburse him in the morning. Bendix follows Duryea home and, believing that he owned the mansion, walks out with three priceless paintings as security pending payment of the check. On the following morning, Ella informs Duryea that her father needed a month's time to repay the \$100,000. Finding himself in a hopeless mess, Duryea tells Ella the truth about his masquerade. Shocked, but in love with him, Ella aids him in his efforts to regain the paintings, but to no avail. When Duryea's employer returns and finds the paintings gone he threatens to have Duryea arrested. But Bendix, by this time aware of the truth, straightens out the situation by offering to return the painting if Duryea could work for him. The employer agrees, but Duryea refuses because of his desire to become an artist instead of remaining a butler. Impressed, Bendix decides to become Duryea's patron providing Duryea agrees to select his clothes and his wines.

Bertram Millhauser wrote the screen play from the story "The Victoria Docks at 8" by Rufus King and Charles Beahan. Howard Benedict produced it, and Charles T. Barton directed it. The cast includes Richard Gaines, Barbara Brown, Clarence Kolb, Samuel S. Hinds, John Miljan and others.

Unobjectionable morally.

jurisdiction where the contract is made or where it is attempted to be enforced. Should the question become of consequence, therefore, an independent should secure counsel familiar with the local law.

It may be suggested, however, that if an exhibition contract contains a number of illegal provisions, such as price-fixing stipulations and unreasonable clearance resulting from conspiracy, and particularly if, in making the deal, the exhibitor was forced to take undesirable pictures in order to get the films he wanted to exhibit, such a contract is probably illegal in its entirety and incapable of enforcement in any court in the country.

Independent exhibitors, consequently, may refuse to comply with any provisions in their contracts that have been condemned by the Expediting Court. Not only do they have this privilege, at their election, but they also have the obligation, as law-abiding citizens, to vitiate all illegal stipulations. When an exhibitor takes such a position it is extremely unlikely that any defendant distributor will seek to compel compliance with these stipulations.

Independent distributors undoubtedly realize that none of the provisions condemned by the Court should be inserted in their future contracts. Exhibitors cannot lawfully agree to maintain specific admission prices, for example, or to negotiate on the basis of an illegally established clearance structure. True, the prohibitions of the Statutory Court do not run directly against them; but the findings and conclusions are persuasive, and, if affirmed by the Supreme Court, will be binding upon all Federal courts and of authoritative effect in other jurisdictions.

Here a note of warning. Major distributors may face severe penalties if they continue in effect the condemned practices. Independent distributors or exhibitors, with knowledge of the contents of the decision, who carelessly enter into such agreements or engage in such practices, merely because they have not been named as parties and are not formally bound by the decree, may do so only at their own peril.

By this statement it is not intended to imply that the Government will engage in a campaign of prosecution against all persons who shall in the future enter into illegal exhibition contracts, either through carelessness, ignorance or coercion. But it should be clearly understood that the prohibitions and penalties of the anti-trust laws run against "every person" who shall make a contract in restraint of trade.⁹²

FRANCHISES

In the opinion of the three-judge Court the legality of franchises was considered chiefly, but not exclusively, as an issue affecting the defendants.⁹³ Because of the broad language used, and particularly because some distributors, as a result of the decision, may decline to perform existing franchises with independent exhibitors, it may be of consequence to consider whether the condemnation of such agreements extends only to those made by the defendants as exhibitors, or whether it also embraces all franchises made by them as distributors, either with affiliated or independent exhibitors.

The language of the Court appears to indicate that franchises of all kinds are objectionable (1) "because they cover too long periods (more than one season)," (2) "because they embrace all the pictures released by a given distributor," and (3) because they "necessarily contravene" the competitive bidding system. Referring to persons who entered into such contracts with the defendants the Court indicated that the formation of the contracts constituted a restraint of trade and that "the parties are necessarily and properly bound, and indeed the decision is a judicial precedent against the others on the question of law involved in those situations we have referred to where they have unreasonably restrained trade and commerce." They ordered that in the decree to be entered "The further performance by any of the defendants of existing . . . franchises should be enjoined."

Except for the clause referring to the "situations" where the defendants "have unreasonably restrained trade and commerce"—which situations, incidentally, are not specified with any greater particularity—the decision appears to

condemn all franchises with all exhibitors, irrespective of their effect upon competition. But such an all-embracing generalization should not be lightly inferred from the language used. Usually a franchise or any other form of contract is illegal under the anti-trust laws only when it unreasonably restrains or tends to monopolize interstate commerce. Conversely, it is not invalid if it tends to promote fair competition and prevent monopolizing.⁹⁴ What may be a wrong when done by a defendant, possessing and exercising monopolistic power, may be entirely proper when done by an exhibitor struggling for survival against powerful competitors.

If, for example, an independent exhibitor has a franchise, or a two-year deal, for all the features of one of the "Little Three," with substantially no other product available on a prior-run basis, and if the franchise has been entered into by him willingly, with none of the obnoxious practices characterizing block-booking, it is hard to see how a distributor can successfully avail himself of the claim that the franchise is illegal merely because it covers all features for more than a season. On its face such a contract, which does not tend to "freeze" a monopolistic condition, is not necessarily invalid. The important question is whether it has the effect of suppressing or of stimulating competition.

Where, however, the franchise contains illegal provisions such as those mentioned in the sub-section entitled "Enforceability of Contracts," then clearly it is governed by the same rules of law as other contracts therein discussed.

If and when the distributors commence to operate under the competitive bidding system by virtue of a final decree, then obviously they cannot perform existing franchises. It may become important, consequently, to determine whether, upon such refusal, the exhibitor has a cause of action for breach of contract; or, to put it another way, whether the distributor is excused from performance of its obligations by the decree of the Expediting Court. The question is close. In some circumstances and in some jurisdictions the licensee may have such a right of action. But the ultimate decision must necessarily depend upon the laws of the State where the question arises, as interpreted by its courts, and no opinion can be advanced that would be applicable to all franchises in all States.

⁹⁰*Paramount Famous Lasky Corp. v. United States*, 282 U.S. 30, affirming 34 F. (2d) 984.

⁹¹The subject is discussed by the writer, with the citation of various decisions, in HARRISON'S REPORTS, April 25, 1936, under the sub-title "Standard Contract; Arbitration and Credit." See, particularly, *Fox Film Corporation v. Muller*, 192 Minn. 212, 255 N.W. 845, cert. den. 296 U.S. 207, where the authorities are reviewed.

⁹²The first section of the Sherman Act, 15 U.S.C.A.1, prohibits "every contract . . . in restraint of trade," and provides that "every person" who shall make any such contract "shall be deemed guilty of a misdemeanor," and subject to a punishment of fine or imprisonment.

⁹³See the comment upon this portion of the decision in HARRISON'S REPORTS, August 31, 1946, under the sub-title "(3) Formula Deals, Franchises, Master Agreements."

⁹⁴From the incomplete information in the possession of the writer it would seem that in arguing the illegality of franchises the Government relied principally, if not exclusively, upon franchises among the defendants. Whether any franchise of defendants with small independent exhibitors were under consideration is very doubtful. In view of the rule that ordinarily expressions in an opinion are confined to the facts proved, it is hoped that in the final decree the Court will clarify their views on this subject.

HAS REPUBLIC JOINED THE COLUMBIA CLASS?

Pete Wood, secretary of the Independent Theatre Owners of Ohio, has sent the following night letter, dated October 31, to James R. Grainger, executive vice-president of Republic Pictures:

"Many thousands of exhibitors who in good faith signed nineteen forty-five forty-six contract with you upon your promise to deliver eight Roy Rogers only two of which were delivered are being deprived of their rights through your utter disregard of decent business ethics by your action in camouflaging 'Home in Oklahoma' as a special. You pulled the same trick with 'Trigger.' It is no wonder that the courts and the government are about to operate our business."

This paper asked Mr. Grainger's office for a statement on this wire and the following message came back from Mr. Grainger: "No comment."

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A Legal Analysis of the Statutory Court's Decision—No. 15

By George S. Ryan**BUYING AND BOOKING AGENCIES**

From the opinion of the Expediting Court it is apparent that no defendant may lawfully operate theatres or buy and book films through an agency acting for any other exhibitor, affiliated or independent.⁹⁵ But, as the prohibition is binding only upon parties before the Court, there may be doubt whether also a buying or booking agency, acting for independent exhibitors or groups of independent exhibitors, is illegal. The question deserves consideration, not only because some distributors may interpret the decision as outlawing all such combinations, but also because other exhibitors may be injuriously affected by the activities of such organizations.

On this point there is no clear current of judicial authority. At first glance the decision of the Court seems to condemn all such organizations; but their language was primarily directed at agencies in which the defendants had an interest; and, as already stated, a judge of a United States District Court has ruled that a Michigan buying and booking combination was lawfully in existence, even though some of its activities were illegal.⁹⁶

A booking agency which does not engage in the business of buying films, except by spot-booking in isolated instances for individual members, is well within the law. No restraint of trade or tendency to monopoly can result from its normal operations.

The legality of a buying agency, as well as of any similar combination, depends in large measure upon the nature and extent of its power, the method in which the power is exercised, and the relations of its members, not only to each other, but also to competitors. In a paper of this kind no rule can be stated that would be applicable to all such organizations. With hesitation, however, some general ideas may be advanced.

The use of buying power, either by a circuit of theatres or a buying organization, to monopolize product, or to secure unreasonable preferences, or to injure competing exhibitors, or to minimize or eliminate competition, is clearly unlawful. In some circumstances, also an organization purchasing films for a number of exhibitors in competitive localities may come within the condemnation of the law, because of its tendency to eliminate competition between its members for the product of the various distributors. If, however, its activities are confined to purchasing pictures in a normal manner, without any element of coercion, for exhibitors operating in separate communities, it is difficult to perceive any legal objection to such an agency.

Under the competitive bidding features of the proposed decree, in any event, the buying power of all such organizations will be rendered innocuous. In the future each defendant will license its product separately to each theatre, and will be unable to comply with any unwarranted demands. Under such a system, fairly administered, no improper operations will be practicable.

POOLING AGREEMENTS

The law condemns an agreement for the pooling or joint operation of theatres by the defendants because it tends to suppress or eliminate competition.⁹⁷ Inevitably such an arrangement restricts competition between the contracting

parties. Because of the buying power of the combined theatres, particularly when controlled by powerful circuits, it may also tend to eliminate the competition of other exhibitors in the same area, and to create a local monopoly.

Conversely, however, there may be situations where two independents are operating theatres in competition with affiliated houses and where, consequently, a joint operating arrangement is essential to their economic salvation. In such circumstances is a pooling arrangement illegal? Such an agreement, although affecting competition, apparently would have no tendency to create a monopoly. It might even tend in some degree to equalize the struggle between the independent exhibitors and the circuit, and in many situations to be what is regarded by the law as a reasonable arrangement to promote competition for the ultimate benefit of the public.

COMPETITIVE BIDDING

In the section of this article relating to "The Remedy," a fairly comprehensive outline was drawn of the competitive bidding features of the proposed decree and of their probable effect upon the business of independent operators.⁹⁸ Until the administrative details are finally determined no further suggestions can be advanced in regard to future procedure. It appears reasonably certain, however, that an independent exhibitor will have an opportunity to improve his playing position by bidding for a run that formerly has been unavailable. When the decree is entered, therefore, all independents should analyze it carefully to ascertain its effect upon their operations.

CLEARANCE

It has already been pointed out that the Statutory Court have declared clearance unlawful because of the defendants' "concert of action in the formation of a uniform system," which constituted a conspiracy, and have condemned unreasonable clearance resulting from the exercise of film-buying power.⁹⁹ They indicated, however, that a grant of clearance was valid when not the result of conspiracy, when not accompanied by price-fixing stipulations, and when not unreasonable as to time or area.

The ban of the Court is broad, relating generally to "the theatres to which they [the defendant distributors] license their films. . . ." Even in the light of this comprehensive condemnation the defendants have apparently made little, if any, change in existing clearance structures. What they intend to do after the entry of a final decree remains to be demonstrated. In the event they insist upon the perpetuation of the present structure, an exhibitor may have to decide whether or not to take positive action for the preservation of his rights.

Undoubtedly some form of arbitration tribunal will be established for the determination of the reasonableness of clearance. Obviously, too, in some situations the only complete remedy may be by virtue of the anti-trust laws.¹⁰⁰ In the meantime, however, it may be desirable for an exhibitor who is oppressed by the existing clearance structure to make forcible protest, in the first instance, to the distributors themselves. He should put himself definitely on record as being unwilling to tolerate it. Undoubtedly the distributors

(Continued on last page)

"The Perfect Marriage"
with Loretta Young and David Niven

(Paramount, no release date set; time, 87 min.)

Fairly good. Revolving around the marital bickerings of a young couple, it is one of those smart comedies that is primarily entertainment for sophisticated audiences, who can enjoy a picture for the quality of the performances alone without paying too much attention to the story. It is the type of story that has been done many times, and there is little about this version that is novel, but its thinness is overcome to a considerable degree by the clever dialogue and the lush production values. As a matter of fact, women will be fascinated by the exquisite clothes worn by the female players. Despite its air of sophistication, the picture has moments that are sentimentally appealing, but those who like excitement in their screen fare may find it a bit tedious, for it is all talk and no action:—

Looked upon by their friends as a model married couple, Loretta Young and David Niven decide to celebrate their tenth wedding anniversary quietly at home with their little daughter (Nona Griffith). The peaceful setting is interrupted by the unexpected arrival of Jerome Cowan, Niven's lawyer, Rita Johnson, his gossip wife, and Virginia Field, a gay divorcee. Niven, desiring privacy, gets rid of his unwanted guests, but his abrupt manner precipitates a quarrel between Loretta and himself, culminating in their decision that the happiness had gone out of their married life. They start to bicker over many petty differences, including one another's relatives, as well as the subject of Loretta placing her career as a fashion editor before that of a wife. Loretta finally decides to obtain a divorce. Word of their pending divorce spreads quickly, and Niven tries to ease his unhappiness by going out with Virginia, while Loretta, in retaliation, takes up with Eddie Albert, her former sweetheart. Their efforts to arouse each other's jealousy brings together their respective fathers-in-law, who do their best to effect a reconciliation. In the end, however, both are reunited, not only because of their mutual concern over the future happiness of their daughter, but also because each could not get along without the things they did not like about one another.

Leonard Spigelglass wrote the screen play from a play by Samson Raphaelson, Hal Wallis produced it, and Lewis Allen directed it. The cast includes Charles Ruggles, Zazu Pitts, Nana Bryant, Louella Gear, and others. Unobjectionable morally.

"Till the Clouds Roll By"
with an all-star cast

(MGM, no release date set; time, 120 min.)

Supposedly biographical of the late Jerome Kern's career, and featuring his well-known melodies and ballads, this Technicolor musical shapes up as a satisfying mass entertainment, one that will undoubtedly do outstanding business mainly because of the marquee value of the many stars who appear in it. The story itself is ordinary, and its unfoldment offers little that is new, but warm and sympathetic performances by Robert Walker, as Kern, and by Van Heflin, as his arranger and dear friend, overcome its familiarity. Kern's music is, of course, the film's most delightful asset, and in the production numbers built around his songs there appear such personalities as June Allyson, Lucille Bremer, Judy Garland, Kathryn Grayson, Lena Horne, Angela Lansbury, Van Johnson, Tony Martin, Virginia O'Brien, Dinah Shore, and Frank Sinatra, each singing or dancing. All please with their particular specialties, but outstanding among them is

a song-and-dance number by Van Johnson and Lucille Bremer, executed in an hilarious tongue-in-cheek manner. In keeping with MGM standards, the production values are extremely lavish, yet one cannot but feel that, despite its cost and its roster of stars, the picture somehow fails to reach any unusual heights either in dramatic values or in the presentation of the production numbers:—

Kern, an aspiring young song writer, visits James Hessler, (Van Heflin), an expert music arranger, to seek his help on one of his compositions. Hessler recognizes the young man's ability and a close friendship develops between the two. Kern becomes convinced that the Broadway producers believed that musical number and productions, to be hits, must be imported from England. Determined to succeed, he goes to England, where he sells one of his songs to an English producer who turns it into a huge success. This hit is followed by others, and Kern soon finds himself commissioned by Charles Frohman (Harry Hayden) to write the music for one of his Broadway shows. Meanwhile Kern had fallen in love with Eva Leale (Dorothy Patrick), an English girl. Their romance is interrupted by Kern's trip to New York, but in due time he becomes even more successful and returns to England to make her his wife. With the passing years, Kern's successes continue and his happiness is marred only by the ill health of Hessler, his dear friend. A crisis develops when Kern, after promising Hessler's daughter, Sally (Lucille Bremer), that he would put her in a show and allow her to introduce one of his songs, is compelled by the producer to give the song to Marilyn Miller (Judy Garland), the star. Heartbroken, Sally runs away from home. Hessler sick with worry over her disappearance, dies. Interested in nothing but finding Sally, Kern loses interest in his music. He eventually locates her in a Memphis cafe, where she convinces him of her determination to make her own way in the entertainment world. His mind eased over Sally's welfare, Kern returns to his music and begins to write the score for "Showboat."

Myles Connolly and Jean Holloway wrote the screen play from the story by Guy Bolton, Arthur Freed produced it, and Richard Whorf directed it.

"Singin' in the Corn" with Judy Canova and Allen Jenkins

(Columbia, Dec. 26; time, 66 min.)

Just a mildly amusing program comedy. The humor is of the slapstick variety, and the action provides several laughs, but the story is so childish and silly that it cannot possibly hold the interest of mature-minded audiences. As a matter of fact, it is two reel material stretched to feature length, and after a while it becomes boring. Most of the characters are made to behave like imbeciles, and the situations they find themselves in are so inane that none but children will find them humorous. On the whole, the picture shapes up as material of little value, but it may get by in situations where Judy Canova's popularity is a telling factor at the box-office:—

Judy, a carnival fortune-teller, inherits her grandfather's estate under a will that contained a provision requiring her to first redeem the old man's reputation by returning to a tribe of Indians the ghost town of McCoy's Gulch, which he had stolen from them years previously. Under the will, Judy had twenty-four hours in which to return the property, otherwise Alan Bridge, her grandfather's former partner, would become the beneficiary of the estate. Judy, aided by Allen Jenkins, her one-time carnival-spieler, prepares

to effect the return of the property to the Indians, but Bridge and his henchmen, using ingenious devices, succeed in convincing the Indians that the town was haunted and cause them to refuse to accept the property. Aware of Bridge's trickery, Judy and Jenkins masquerade as a wealthy Mexican couple interested in investing a million dollars in the town, and, while some of the Indian leaders eavesdrop, they try to make Bridge admit that the stories about the town being haunted were untrue. Bridge, however, discovers the masquerade and brings the negotiations to an abrupt end, thus leaving the Indians still unconvinced. Eventually Judy corners Bridge and his henchmen and, under threat of drowning them, forces them to tell the truth. Thus Judy manages to fulfill the terms of the will, while Bridge and his followers get their just deserts.

Isabel Dawn and Monte Brice wrote the screen play from the story by Richard Weil, Ted Richmond produced it, and Del Lord directed it. The cast includes Guinn Williams, Charles Halton and others. Unobjectionable morally.

**"Boston Blackie and the Law"
with Chester Morris and Trudy Marshall**
(Columbia, Dec. 12; time, 69 min.)

This comedy-melodrama is on a par with most of the other pictures in the series; that is, just moderately entertaining. Once again the players have been burdened with a thin and highly improbable story, and they are made to behave in so ridiculous a manner that the spectator loses patience with them. Although the film runs for a little more than an hour, it has been padded considerably to give it that length. Most of this padding occurs in the sequences dealing with the dumb-detective type of comedy, which, in addition to being dragged out to the point of boredom, is too stupid to be funny. In general, the situations are a rehash of those used in the other pictures, and unless some originality is injected into these pictures to get them out of their unimaginative rut Columbia might do well to drop the series:—

While treating the inmates of a woman's prison to a magic show, Chester Morris becomes indirectly responsible for the escape of Constance Dowling, who uses one of his magic devices to good advantage. Morris finds himself accused of being Constance's accomplice, and is arrested by Inspector Richard Lane. To prove his innocence, he escapes from Lane and, through newspaper files, learns that Constance was once the wife of Warren Ashe, a magician. He learns also that the two had been involved in a \$100,000 robbery; that Ashe had been acquitted but Constance had been sent to prison for three years; and that the money had not yet been recovered. Morris visits Ashe at a local theatre, meets Trudy Marshall, his assistant, and learns that the two planned to marry. He arranges to impersonate Ashe, not only to trap Constance, but also to protect him from her. Shortly afterwards, despite Ashe's claim that he did not know the whereabouts of the \$100,000, Morris locates the money in a safe deposit box and decides to use it as bait in an effort to trap Constance. In the course of events, both Ashe and Constance are found murdered under circumstances that point to Morris as the killer—an arrangement engineered cleverly by Trudy, who wanted the \$100,000 for herself. Trudy manages to trap Morris and summons the police. While waiting for their arrival, she smugly admits to Morris that she had committed both murders but that he would pay for her crimes. When the police arrive to arrest him,

Morris claims to have secured Trudy's confession as the murderess. Lane scoffs at him, but to prove it Morris turns on a phonograph and, through ventriloquism, tricks Trudy into giving herself away.

Harry J. Essex wrote the original screen play, Ted Richmond produced it, and D. Ross Lederman directed it. The cast includes George E. Stone, Frank Sully and others. Unobjectionable morally.

**"That Brennan Girl" with Mona Freeman
and James Dunn**

(Republic, Dec. 23; time, 95 min.)

Although the story has its shortcomings, this drama, by virtue of good directing and acting, should appeal to adult audiences pretty well. The picture presents another version of the mother love theme, and because of several powerfully emotionally scenes, women in particular should enjoy it. The sympathy of the spectator is centered mainly around Mona Freeman, a sensitive girl, who is launched on a "gold-digging" career by her mother, a woman of questionable morals. How the girl marries a service man out of true love, bears his child shortly after he is killed in action, then has the baby taken away from her on the grounds that she is an unfit mother, is told in an emotionally stirring way. The situations that will touch one are those in which Mona is forced to part from her child. Miss Freeman enacts her role in a believable way, and the part should do much to establish her as a first-rate actress:—

Tutored by her fun-loving mother (June Duprez), Mona progresses from a sweet 14-year-old girl to a hardened, worldly-wise 17-year-old young lady. She enters the employ of James Dunn, a racketeer specializing in stolen furniture, and one evening, in a nightclub, flirts with William Marshall, a naive naval officer, whose watch she steals. She repents later when she discovers that the watch was a gift from his mother, and returns it to him. Marshall refuses to be disillusioned and asks her to marry him. Very much in love with him, Mona consents. Shortly thereafter, Marshall is killed and Mona bears his child. She moves away from the sordid atmosphere of her mother's apartment and discovers satisfaction in motherhood, but before long she becomes dispirited and forlorn. She finds a "baby-sitter"—an irresponsible young girl—and starts going out evenings. Meanwhile Dunn, with whom the police had caught up, returns from a prison term determined to reform. He takes a great interest in Mona and the baby, and disapproves of her leaving the child with a "sitter." One night the child almost strangles to death when the "sitter" leaves it unattended and, as a result, the authorities place the baby in a children's home. Heartbroken over the loss of her baby, as well as over Dunn's refusal to have anything to do with her, Mona goes into hiding. Her pain is eased, however, when she finds another child abandoned in a church and cares for it devotedly. In the meantime, Dunn, prompted by his mother (Dorothy Vaughan) finds Mona after a long search and learns of what she had done for the motherless child. He induces her to go to the authorities, who, impressed by the conscientious care she had given the baby, permit her to adopt it and return her own child to her. With Dunn's proposal of marriage, Mona's happiness is complete.

Doris Anderson wrote the screen play from the story by Adela Rogers St. John. Alfred Santell produced it. The cast includes Frank Jenks, Charles Arnt, Rosalind Ivan and others. Adult entertainment.

have learned something from the decision; and not inconceivably, when confronted with a strong protest, they will grant some relief. As a last resort he may appeal to the Department of Justice, and ultimately elect whether or not to take advantage of the remedies now to be considered.

ARBITRATION OR LITIGATION

Many of the practices of the defendants that have been declared illegal by the Statutory Court have been in force for many years over substantially the entire nation, with the result that few, if any, independent operators are unaffected by them. In some situations the effect may be slight; in other cases the injuries sustained may be of such consequence as to warrant affirmative action of some nature.

At the time of this writing, the scope of the proposed arbitration tribunals, and the nature of the controversies that may be arbitrated, have not been finally determined. Nor is it definitely known that redress will be granted a complainant who prevails in an arbitration proceeding. Until these questions are settled it is impossible to form an opinion in regard to the desirability of arbitrating any particular controversy.

If, however, the decisions under the existing arbitration system may be taken as a guide—and the chances are that the new system will be more effective—then in most cases an exhibitor having a just grievance will be awarded some relief. It may not be complete relief, because, after all, arbitration frequently results in a compromise between conflicting contentions, but it is not unlikely to be of substantial benefit. The proceeding before the arbitration tribunal may be comparatively brief, the decision prompt. The cost may be small, even nominal, in comparison with the expense of an action at law; and it is not improbable that some provision will be made to reimburse a successful complainant for his costs and expenses, and even to award him some compensation for the wrong he has sustained.

The alternative to arbitration is litigation, possibly an action under the anti-trust laws. Such an action may be protracted and expensive, and should not be lightly undertaken by a person of limited resources. In a disputed case a lawyer frequently advises his client to accept a fair compromise, rather than to engage in costly and uncertain litigation. If, therefore, the controversy is arbitrable, and if the remedy provided by the decree is unreasonably adequate, it may be good judgment to have it decided by an arbitration tribunal.

Instances may occur, however, where the controversy is not arbitrable, or where, under the rules of arbitration, no adequate compensation can be secured for the injury sustained, or where litigation is the only alternative to financial destruction. In that event the independent may be forced to seek relief under the laws of his country.

Actions under the anti-trust laws of the United States are not of rare occurrence in the motion picture industry. Independent exhibitors and distributors, as well as other persons engaged in it, are generally familiar with the sections of the Sherman Act which prohibit every contract, combination and conspiracy in restraint of interstate trade or commerce, and declare that no person shall monopolize, or attempt to monopolize, or combine or conspire with any other person to monopolize, any part of such commerce.¹⁰¹ By other provisions of those laws other specified acts and practices are condemned,¹⁰² but these are the sections relied upon by the Government, and are, for all practical purposes, the sections upon which independents must also depend.

Generally speaking, the anti-trust laws condemn restraints of trade and monopoly. Their purpose is to prohibit interferences with competition and the unnatural obstruction of the channels of interstate trade.¹⁰³ "The interest of the public in the preservation of competition is the primary consideration."¹⁰⁴ For that reason the Statutory Court weighed with considerable care the effect upon competition, and consequently upon the public, of the challenged practices.

In the anti-trust laws there are comprehensive provisions to discourage violation. Not only are penalties of fine and imprisonment prescribed, but the laws also impose upon the Attorney General the duty of instituting proceedings in equity to prevent and restrain such violations.¹⁰⁵ They give

a civil remedy to "Any person who shall be injured in his business or property by reason of anything forbidden in the anti-trust laws" in "three-fold the damages by him sustained, and the cost of suit, including a reasonable attorneys' fee." They also provide that any person "shall be entitled to sue for and have injunctive relief . . . against threatened loss or damage by a violation of the anti-trust laws. . . ."¹⁰⁶

Apparently with the intention of placing upon the Government, rather than upon individuals, the primary burden of preventing violations of the anti-trust laws, the Congress provided that when any proceeding has been instituted by the Government "to restrain or punish violations of any of the anti-trust laws, the running of the statute of limitations in respect of each and every private right of action arising under said laws and based in whole or in part on any matter complained of in said suit or proceeding shall be suspended during the pendency thereof."¹⁰⁷ In popular language, the statute prevents any private right of action from being "out-lawed" while a Government suit involving the same issues is pending.

The same section of the Clayton Act provides:¹⁰⁸

"A final judgment or decree rendered in any criminal prosecution or in any suit or proceeding in equity brought by or on behalf of the United States under the anti-trust laws to the effect that a defendant has violated said laws shall be prima facie evidence against such defendant in any suit or proceeding brought by any other party against such defendant under said laws as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto. . . ."

Merely to give an example of the effect of a final decree by the Statutory Court, and at the same time to interpret the language of the statute, it may be suggested that if an independent exhibitor operating in direct competition with affiliated theatres should bring suit claiming not only that he was compelled to charge admission prices prescribed by the defendants but also that he was subjected to unreasonable clearance as a result of their conspiracy, he would not be required in the first instance to prove that the admission price stipulations were illegal or that the clearance was the result of conspiracy. The Government has already established those facts; and, because of this section of the statute, it would only be necessary for the plaintiff to prove the final decree by presentation of a certified copy. The decree, however, would not be conclusive; and thereafter both the defendants and the plaintiff might introduce other evidence on the issue of conspiracy for the ultimate decision of the Court or jury.

In at least two respects, therefore, the final decree of the Expediting Court will be of inestimable benefit to independents asserting claims under the anti-trust laws: (1) it will prevent the running of the statute of limitations; and (2) it will provide *prima facie* evidence of the defendants' violations of law. Of even greater consequence, the principles of law to be enunciated by the Supreme Court upon appeal will be binding on all Federal courts in anti-trust actions.

¹⁰¹ See the previous discussion in HARRISON'S REPORTS, September 7, 1946, p. 143. A theatre operating combination comes within the category of pooling agreements and is generally governed by the same legal principles.

¹⁰² *Mid-West Theatres Co. v. Co-Operative Theatres of Michigan*, (D.C. E.D. Mich., S.D.) 43 F. Supp. 216. This decision, it has been noted, was not cited in the opinion of the Statutory Court.

¹⁰³ See HARRISON'S REPORTS, September 7, 1946.

¹⁰⁴ HARRISON'S REPORTS, September 28, 1946.

¹⁰⁵ HARRISON'S REPORTS, August 24, 31, 1946, "(2) Run and Clearance."

¹⁰⁶ See the next sub-section of this article, entitled "Arbitration or Litigation."

¹⁰⁷ 15 U.S.C.A., 1,2.

¹⁰⁸ *Id.*, sec. 18, which originated in 1914 with the Clayton Act, for example, prohibits the acquisition of the capital stock of competing corporations engaged in interstate commerce, where the effect may be to lessen competition between the corporations, "or to restrain such commerce in any section or community, or tend to create a monopoly of any line of commerce."

¹⁰⁹ See the discussion of this subject by the writer in HARRISON'S REPORTS, April 18, 1936.

¹¹⁰ *Paramount Famous Lasky Corp. v. United States*, 282 U.S. 30, 44.

¹¹¹ This section is quoted more fully in HARRISON'S REPORTS, September 28, 1946, footnote 59.

¹¹² 15 U.S.C.A., secs. 15, 26.

¹¹³ 15 U.S.C.A. 16. This section of the statute was first applied in an action affecting the motion picture industry in *Momand v. Universal Film Exchanges, Inc., et al.*, (D.C. Mass.) 43 F. Supp. 996.

¹¹⁴ 15 U.S.C.A. 16.

HARRISON'S REPORTS

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RELEASE SCHEDULE FOR FEATURES

Columbia Features

(729 Seventh Ave., New York 19, N. Y.)

1945-46

7223 Cowboy Blues—Western Musical (66 m.)	July 18
7033 Sing While You Dance—Drew-Stanton	July 25
7039 Personality Kid—Duane-Louise	Aug. 8
7210 Heading West—Charles Starrett (54 m.)	Aug. 15
7038 It's Great To Be Young—Brooks-Lord	Sept. 12
7002 Gallant Journey—Ford-Blair	Sept. 17
7041 Shadowed—Louise-Duane	Sept. 26
7006 The Thrill of Brazil—Keyes-Wynn	Sept. 30

(End of 1945-46 Season)

Beginning of 1946-47 Season

805 So Dark the Night—Geray-Cheiral	Oct. 10
806 Blondie Knows Best—Lake-Singleton	Oct. 17
861 Landrush—Chas. Starrett (54 min.)	Oct. 17
816 Crime Doctor's Man Hunt—Baxter-Drew	Oct. 24
818 Secret of the Whistler—Dix-Brooks	Nov. 7
862 Terror Trail—Charles Starrett (56 m.)	Nov. 21
854 Lone Star Moonlight—Musical Western	Nov. 28
824 Betty Co-ed—Porter-Mills	Nov. 28
822 Boston Blackie & the Law—Morris	Dec. 12
Alias Mr. Twilight—Duane-Marshall	Dec. 19
863 The Fighting Frontiersman—Starrett	Dec. 19
804 Singin' in the Corn—Judy Canova	Dec. 26

Metro-Goldwyn-Mayer Features

(1540 Broadway, New York 19, N. Y.)

1945-46

Block 17

625 Boys' Ranch—Jenkins-Homeier	July 18
626 Courage of Lassie—Taylor-Morgan	Aug. 8
627 Faithful in My Fashion—Reed-Drake	Aug. 22
628 Three Wise Fools—O'Brien-Barrymore	Aug. 29

Specials

605 Weekend at the Waldorf—All star	Oct.
616 Adventure—Gable-Garson	Mar.
617 Ziegfeld Follies of 1946—All-star cast	Mar.
623 The Green Years—Coburn-Drake	July 4
624 Easy to Wed—Johnson-Williams-Ball	July 25

(End of 1945-46 Season)

Beginning of 1946-47 Season

701 Holiday in Mexico—Pidgeon-Powell	Sept.
703 The Cockeyed Miracle—Morgan-Wynn	Oct.
704 No Leave, No Love—Johnson-Wynn	Oct.
705 Rage in Heaven—Montgomery-Bergman (reissue)	Oct.
Two Smart People—Hodiak-Ball	Nov.
Undercurrent—Hepburn-Taylor	Nov.

Monogram Features

(630 Ninth Ave., New York 19, N. Y.)

1945-46

511 Bowery Bombshell—Bowery Boys	July 20
518 Shadows Over Chinatown—Toler	July 27
520 Below the Deadline—Douglas-Ames	Aug. 3
567 Shadows on the Range—J. M. Brown (57 m.)	Aug. 10
(re.)	Aug. 10
525 Missing Lady—Richmond-Reed	Aug. 17
512 Spook Busters—Bowery Boys	Aug. 24
517 High School Hero—Stewart-Preisner	Sept. 7
531 Beauty & the Bandit—Roland-Ames (71 m.)	Nov. 9
563 Silver Range—J. M. Brown (55 m.)	Nov. 16

(More to Come)

Beginning of 1946-47 Season

601 Decoy—Norris-Gillie	Sept. 14
603 Dangerous Money—Sidney Toler	Oct. 12
607 Gentleman Joe Palooka—Kirkwood-Knox	Oct. 19
605 Wife Wanted—Kay Francis	Nov. 2
604 Bringing Up Father—Joe Yule	Nov. 23
607 The Trap—Sidney Toler	Nov. 30
Mr. Hex—Bowery Boys	Dec. 7
606 Sweetheart of Sigma Chi—Regan-Knox	Dec. 21
681 Song of the Sierras—Jimmy Wakely	Dec. 28
Silver Stallion—Reissue	Dec. 14
Special	
699 Suspense—Belita-Sullivan	June 15

Paramount Features

(1501 Broadway, New York 18, N. Y.)

1945-46

Block 5

4521 The Bride Wore Boots—Stanwyck-Cummings	May 31
4522 Our Hearts Were Growing Up—Russell-Lynn	June 14
4523 Hot Cargo—Gargan-Reed	June 28
4524 To Each His Own—Olivia De Havilland	July 5

Block 6

4526 O.S.S.—Ladd-Fitzgerald	July 26
4527 The Searching Wind—Young-Sidney	Aug. 9
4528 Swamp Fire—Weissmuller-Crabbe	Sept. 6
4529 Strange Love of Martha Ivers—Stanwyck-Heflin	Sept. 13

Special

4531 Road to Utopia—Crosby-Hope	Mar. 22
4532 Monsieur Beaucaire—Bob Hope	Aug. 30

(End of 1945-46 Season)

Beginning of 1946-47 Season

R5-3620 Jungle Princess—Reissue	Sept. 1
R5-3624 The Plainsman—Reissue	Sept. 1
4601 Two Years Before the Mast—Ladd-Bendix	Nov. 22
4602 Blue Skies—Crosby-Astaire	Dec. 27

PRC Pictures, Inc. Features

(625 Madison Ave., New York 22, N. Y.)

1945-46

- Larceny in Her Heart—Beaumont-Walker.... July 10
 Prairie Bad Men—Buster Crabbe (55 m.).... July 17
 Queen of Burlesque—Young-Ankers.... July 24
 Terrors on Horseback—Buster Crabbe (55 m.).... Aug. 14
 Down Missouri Way—Wright-O'Driscoll.... Aug. 15
 Secrets of a Sorority Girl—Ware-Vallin.... Aug. 15
 Overland Riders—Buster Crabbe (54 m.).... Aug. 21
 Blonde for a Day—Beaumont-Walker.... Aug. 29
 Strange Holiday—Claude Rains.... Sept. 2
 Outlaw of the Plains—Crabbe (56 m.).... Sept. 22
 Accomplice—Richard Arlen.... Sept. 29
 Gas House Kids—Lowery-Loring.... Oct. 28
 Don Ricardo Returns—Coby-Isabelita.... Nov. 5
 Lady Chaser—Lowery-Savage.... Nov. 25
 Lighthouse—Litel-Lang.... Dec. 10

(End of 1945-46 Season)

Beginning of 1946-47 Season

- Her Sister's Secret—Lindsay-Reed.... Sept. 23
 Driftin' River—Eddie Dean (55 m.).... Oct. 1
 The Brute Man—Neal-Adams.... Oct. 1
 Tumbleweed Trail—Eddie Dean (57 min.).... Oct. 28
 Stars Over Texas—Eddie Dean.... Nov. 18
 Wild West—Eddie Dean (formerly "Melody Roundup").... Dec. 1

Republic Features

(1790 Broadway, New York 19, N. Y.)

1945-46

- 523 Night Train to Memphis—Acuff-Lane-Mara.... July 12
 525 Rendezvous with Annie—Albert-Patrick.... July 22
 568 Conquest of Cheyenne—Elliott (56 m.).... July 22
 557 Red River Renegades—Sunset Carson (55 m.).... July 25
 526 The Inner Circle—Douglas-Roberts.... Aug. 7
 527 The Last Crooked Mile—Barry-Savage.... Aug. 9
 528 G. I. War Brides—Ellison-Lee.... Aug. 12
 529 Invisible Informer—Stirling-Henry.... Aug. 19
 530 Earl Carroll Sketchbook—Moore-Marshall.... Aug. 22
 541 Under Nevada Skies—Roy Rogers (69 m.).... Aug. 26
 531 Mysterious Mr. Valentine—Stirling-Henry.... Sept. 3
 558 Rio Grande Raiders—Carson (56 m.).... Sept. 9
 542 Roll on Texas Moon—Roy Rogers (68 m.).... Sept. 12
 5542 Home in Oklahoma—Roy Rogers.... Nov. 8
 532 Plainsman & the Lady—Elliott-Ralston.... Nov. 15
 That Brennan Girl—Freeman-Dunn.... Dec. 23
 (Ed. Note: "Last Frontier Uprising," listed in the previous index as an Oct. 22 release, has been withdrawn.)

(More to Come)

Beginning of 1946-47 Season

- Santa Fe Uprising—Allan Lane (56 min.).... Nov. 15
 603 Affairs of Geraldine—Withers-Lydon.... Nov. 18
 Sioux City Sue—Gene Autry.... Nov. 21
 604 The Fabulous Suzanne—Britton-Vallee.... Dec. 15
 The Pilgrim Lady—Douglas-Roberts.... Dec. 22
 Stage Coach to Denver—Allan Lane.... Dec. 23
 Angel and the Badman—Wayne-Russell.... Jan. 5
 Calendar Girl—Frazee-Marshall.... Jan. 29
 Special
 601 I've Always Loved You—Dorn-McLeod.... Aug. 27

RKO Features

(1270 Sixth Ave., New York 20, N. Y.)

(No national release dates)

1945-46**Block 6**

- 626 Till the End of Time—McGuire-Madison....
 627 Crack-Up—O'Brien-Trevor-Marshall....
 628 Bedlam—Karloff-Lee....
 629 The Falcon's Alibi—Conway-Corday....
 630 The Bamboo Blonde—Langford-Wade....
 Special
 681 Along Came Jones—Cooper-Young....
 651 Wonder Man—Danny Kaye....
 691 Wonderful Adventures of Pinocchio—(reissue)....
 661 Bells of St. Mary's—Crosby-Bergman....
 682 Tomorrow is Forever—Colbert-Welles-Brent....
 692 Make Mine Music—Disney....
 683 The Stranger—Robinson-Welles-Young....

(End of 1945-46 Season)

Beginning of 1946-47 Season**Block 1**

- 701 Sister Kenny—Russell-Knox....
 702 Lady Luck—Hale-Young-Morgan....
 703 Step by Step—Tierney-Jeffries....
 704 Sunset Pass—James Warren....
 705 Great Day—English cast....

Block 2

- 708 Child of Divorce—Moffett-Toomey....
 706 Nocturne—Raft-Bari....
 709 Criminal Court—Conway-O'Driscoll....
 710 Genius at Work—Carney-Brown....
 707 Deadlier Than the Male—Slezak-Trevor....

Block 3

- Dick Tracy vs. Cueball—Morgan Conway....
 Vacation in Reno—Haley-Jeffreys....
 The Falcon's Adventure—Tom Conway....
 The Locket—Aherne-Day....
 Sinbad the Sailor—Fairbanks, Jr.-O'Hara....

Specials

- 761 Notorious—Bergman-Grant....
 Fantasia—Reissue....

Twentieth Century-Fox Features

(444 W. 56th St., New York 19, N. Y.)

- 631 Smoky—MacMurray-Baxter.... July
 632 It Shouldn't Happen to a Dog—Landis-Joslyn.... July
 633 Centennial Summer—Crain-Wilde.... Aug.
 634 Anna and the King of Siam—Harrison-Dunne.... Aug.
 635 Deadline for Murder—Taylor-Ryan.... Aug.
 636 Black Beauty—Freeman-Denning.... Sept.
 637 Claudia and David—Young-McGuire.... Sept.
 638 If I'm Lucky—Blaine-James.... Sept.
 641 Sun Valley Serenade—Reissue.... Sept.
 642 The Bowery—Reissue.... Oct.
 639 Three Little Girls in Blue—Haver-Blaine.... Oct.
 643 Strange Journey—Kelly-Massen.... Oct.
 640 Home Sweet Homicide—Garner-Scott.... Oct.
 644 Wanted for Murder—English-made.... Nov.
 645 My Darling Clementine—Fonda-Darnell.... Nov.
 646 Margie—Crain-Young.... Nov.
 The Shocking Miss Pilgrim—Grable-Haymes.... Dec.
 The Brasher Doubloon—Montgomery-Guild.... Dec.
 The Razor's Edge—Power-Tierney.... Dec.

United Artists Features

(729 Seventh Ave., New York 19, N. Y.)

1945-46

- A Scandal in Paris—Sanders-Hasso.... July 19
 Mr. Ace—Raft-Sidney.... Aug. 2
 Caesar and Cleopatra—Leigh-Rains.... Aug. 16

(End of 1945-46 Season)

Beginning of 1946-47 Season

- The Bachelor's Daughters—Dvorak-Trevor.... Sept. 6
 Angel on My Shoulder—Muni-Baxter-Rains.... Sept. 20
 Little Iodine—Jo Ann Marlowe.... Oct. 11
 Strange Woman—Lamarr-Sanders.... Oct. 25
 The Devil's Playground—Wm. Boyd (65 m.).... Nov. 15
 The Chase—Cummings-Morgan.... Nov. 22
 Susie Steps Out—Bruce-Caldwell.... Dec. 13
 Abie's Irish Rose—Dru-Norris.... Dec. 27
 The Sin of Harold Diddlebock—Harold Lloyd.... Jan. 10
 The Private Affairs of Bel Ami—Sanders-Lansbury.... Jan. 24
 Fool's Gold—Wm. Boyd (63 m.).... Jan. 31

Universal-International Features

(1270 Sixth Ave., New York 20, N. Y.)

- 541 Canyon Passage—Andrews-Donlevy-Hayward.... July 26
 542 Cuban Pete—Arnaz-De Wit.... July 26
 543 The Black Angel—Duryea-Vincent-Lorre.... Aug. 2
 544 Slightly Scandalous—Brady-Drew.... Aug. 2
 1105 Rustler's Roundup—Kirby Grant (56 m.).... Aug. 9
 545 Wild Beauty—Porter-Collier.... Aug. 9
 546 The Time of Their Lives—Abbott & Costello.... Aug. 16
 1106 Lawless Breed—Kirby Grant (56 m.).... Aug. 16
 547 Dead of Night—English cast.... Aug. 23
 1107 Gunman's Code—Kirby Grant (54 m.).... Aug. 30
 548 The Killers—Lancaster-Gardner.... Aug. 30
 549 Little Miss Big—Simmons-Holden.... Aug. 30
 550 White Tie and Tails—Duryea-Raines.... Aug. 30

Reissues

- 1096 If I Had My Way—Bing Crosby.... No nat'l rel. date
 1097 Shadow of a Doubt—Cotton-Wright.... No nat'l rel. date

(End of 1945-46 Season)

Beginning of 1946-47 Season

- 1065 They Were Sisters—Calvert-Mason.... Sept. 20
 The Dark Mirror—De Havilland-Ayres.... Oct.
 Michigan Kid—Hall-McLaglen.... Nov.
 The Magnificent Doll—Rogers-Meredith.... Nov.
 The Notorious Gentleman—Harrison-Palmer.... Nov.
 Swell Guy—Tufts-Blyth.... Nov.
 Song of Scheherazade—De Carlo-Donlevy.... Dec.
 Temptation—Oberon-Brent.... Dec.

Warner Bros. Features

(321 W. 44th St., New York 18, N. Y.)

1945-46

- 521 A Stolen Life—Davis-Ford July 6
 522 Of Human Bondage—Henreid-Parker July 20
 523 Night and Day—Grant-Smith-Martin Aug. 3
 524 Two Guys from Milwaukee—Morgan-Carson Aug. 17
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- 601 The Big Sleep—Bogart-Bacall Aug. 31
 602 Shadow of a Woman—King-Dantine Sept. 14
 603 Cloak and Dagger—Cooper-Palmer Sept. 28
 604 Nobody Lives Forever—Garfield-Fitzgerald Oct. 12
 605 Deception—Davis-Henried-Rains Oct. 26
 606 Never Say Goodbye—Flynn-Parker Nov. 9
 607 The Verdict—Greenstreet-Lorre Nov. 23
 608 King's Row—Reissue Dec. 7
 609 Wild Bill Hickock Rides—Reissue Dec. 7

SHORT SUBJECT RELEASE SCHEDULE**Columbia—One Reel****1945-46**

- 7662 Community Sings No. 12 (10½ m.) Aug. 1
 7958 Bobby Byrnes & Orch.—Film Vodvil
 (10 m.) Aug. 15
 7810 Deep Sea Fishing—Sports (9 m.) Aug. 15
 7754 Mysto Fox—Fox & Crow (7 m.) Aug. 29
 7603 Silent Treatment—Flippy (6½ m.) Sept. 19
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- 8851 Screen Snapshots No. 1 (10 m.) Sept. 5
 8651 Community Sings No. 1 (9½ m.) Sept. 12
 8951 Jerry Wald & Orch.—Thrills of Mus. (10m.) Sept. 12
 8801 Army Football Champions—Sports (11 m.) Sept. 19
 8852 Screen Snapshots No. 2 (10 m.) Oct. 3
 8652 Community Sings No. 2 (10 m.) Oct. 10
 8952 Machito & Orch.—Thrills of Music (10m.) Oct. 17
 8120 Son of the Guardsman—Serial (15 ep.) Oct. 24
 8802 Tenpin Magic—Sports (10 m.) Oct. 24
 8853 Screen Snapshots No. 3 Nov. 7
 8653 Community Sings No. 3 Nov. 14
 8803 Hi-Li—Sports Nov. 21
 8953 Les Elgart & Orch.—Thrills of Music Nov. 28
 8501 Loco Lobo—Color Rhapsody (6 m.) Not set

Columbia—Two Reels**1945-46**

- 7180 Chick Carter, Detective—Serial (15 ep.) July 11
 7412 Hot Water—Schilling-Lane (18½ m.) July 25
 7427 Mr. Wright Goes Wrong—Holloway (19m.) Aug. 1
 7428 Headin' for a Weddin'—Vera Vague Aug. 15
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- 8401 G. I. Wanna Go Home—Stooges (15½ m.) Sept. 5
 8421 Pardon My Terror—Schilling-Lane 16½m. Sept. 12
 8431 Society Mugs—Howard (16 m.) Sept. 19
 8402 Rhythm and Weep—Stooges (17½ m.) Oct. 3
 8432 So's Your Antenna—Von Zell (17 m.) Oct. 10
 8422 Honeymoon Blues—Hugh Herbert (16 m.) Oct. 17
 8433 Slappily Married—J. DeRita Nov. 7
 8423 Reno-Vated—Vera Vague Nov. 21
 8434 Moron Than Off—S. Holloway Nov. 28

Metro-Goldwyn-Mayer—One Reel**1945-46**

- W-739 Northwest Hounded Police—Cartoon
 (8 m.) Aug. 3
 T-718 Over the Seas to Belfast—Traveltalk (9m.) Aug. 31
 W-740 Solid Serenade—Cartoon (7 m.) Aug. 31
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- S-851 Football Thrills No. 9—Pete Smith Sept. 7
 T-811 Glimpses of California—Travel. (10 m.) Oct. 26
 W-831 Henpecked Hoboes—Cartoon Oct. 26
 S-852 Sure Cure—Pete Smith (11 m.) Nov. 2

Metro-Goldwyn-Mayer—Two Reels

- A-702 Purity Squad—Special (20 m.) Nov. 3, '45
 A-703 Traffic with the Devil—Special Aug. 31
 (End of 1945-46 Season)

Paramount—One Reel**1945-46**

- D5-3 Bored of Education—Little Lulu (7 m.) July 26
 E5-5 Rocket to Mars—Popeye (6 m.) Aug. 9
 D5-4 Chick and Double Chick—Little Lulu (6m.) Aug. 16

- E5-6 Rodeo Romeo—Popeye (6 m.) Aug. 16
 J5-6 Popular Science No. 6 (10 m.) Aug. 16
 L5-6 Unusual Occupations No. 6 (10 m.) Aug. 30
 Y5-6 Be Kind to Animals—Speak. of Animals
 (10 m.) Aug. 30
 U5-6 Don Henry & Inky Poo—Puppetoon (6 m.) Sept. 6
 U5-5 Jasper's Derby—Puppetoon (8 m.) Sept. 20
 P5-5 Goal Rush—Noveltoon (6 m.) Sept. 27
 P5-6 Sudden Fried Chicken—Noveltoon (7 m.) Oct. 18
 U5-7 Jasper in a Jam—Puppetoon (7 m.) Oct. 18
 D5-5 Musica Lulu—Little Lulu (7 m.) Nov. 15
 E5-7 Fistic Mystic—Popeye (6 m.) Nov. 29
 D5-6 A Scout with a Gout—Little Lulu (7 m.) Dec. 13
 U5-8 Shoe Shine Jasper—Puppetoon (7 m.) Dec. 20
 E5-8 Island Fling—Popeye (7 m.) Dec. 27
 (More to Come)

Beginning of 1946-47 Season

- R6-1 Race Horses are Born—Sportlight (9 m.) Oct. 4
 P6-1 Spree for All—Noveltoon (7 m.) Oct. 4
 K6-1 Brooklyn, I Love You—Pacemaker (10 m.) Oct. 4
 J6-1 Popular Science No. 1 (11 m.) Oct. 11
 L6-1 Unusual Occupations No. 1 (10 m.) Oct. 11
 Y6-1 Stork Crazy—Speak of Animals (10 m.) Oct. 25
 R6-2 Dive Hi Champs—Sportlight (10 m.) Nov. 1
 K6-2 Love in Tune—Pacemaker (9½ m.) Nov. 4

Paramount—Two Reels

- FF5-4 A Tale of Two Cafes—Musical Par. (18 m.) July 5
 FF5-5 Double Rhythm—Musical Parade (20 m.) Aug. 23
 FF5-6 Golden Slippers—Musical Par. (16 m.) Nov. 15
 (End of 1945-46 Season)

Republic—Two Reels

- 583 Daughter of Don Q—Serial (12 ep.) July 27
 584 Crimson Ghost—Serial (12 ep.) Oct. 26
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- Son of Zorro—Serial (13 ep.) Not set

RKO—One Reel

- 64311 Ben Hogan—Sportscope (9 m.) June 14
 64107 Donald's Double Trouble—Disney (7 m.) June 28
 64312 Palmetto Quail—Sportscope (8 m.) July 12
 64108 The Purloined Pup—Disney (7 m.) July 19
 64109 Wet Paint—Disney (7 m.) Aug. 9
 64313 Steeplechasers—Sportscope (8 m.) Aug. 9
 64110 Dumb-bell of the Yukon—Disney (7 m.) Aug. 30
 64111 Lighthouse Keeping—Disney (7 m.) Sept. 20
 64112 Bath Day—Disney (7 m.) Oct. 11
 (More to Come)

Beginning of 1946-47 Season

- 74201 Flicker Flashbacks No. 1 (9 m.) Sept. 13
 74301 Skating Lady—Sportscope (9 m.) Sept. 20
 74302 Hail Notre Dame—Sportscope (8 m.) Oct. 18
 74202 Flicker Flashbacks No. 2 (9 m.) Oct. 25

RKO—Two Reels

- 63405 Motor Maniacs—Ed. Kennedy (18 m.) July 26
 63110 Courtship to Courthouse—This Is America
 (18 min.) July 26
 63111 Highway Mania—This Is America (17 m.) Aug. 31
 63406 Noisy Neighbors—Ed. Kennedy (17 m.) Sept. 20
 63112 White House—This Is America (19 m.) Sept. 20
 63706 Follow that Blonde—Leon Errol (18 m.) Sept. 27
 63113 Northern Rampart—This Is America (18m.) Oct. 18
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- 73501 Bar Buckaroo—Western Musical (reissue)
 (16 m.) Sept. 6
 73502 Cupid Rides the Range—Western Musical
 (reissue) (18 m.) Oct. 11
 73401 I'll Build it Myself—Ed. Kennedy (15 m.) Oct. 18

Twentieth Century-Fox—One Reel**1945-46**

- 6520 Gandy Goose in The Golden Hen—Terry.
 (7 m.) July 24
 (End of 1945-46 Season)

Beginning of 1946-47 Season

- 7251 Sons of Courage—Adventure (8 m.) Aug. 2
 7501 Winning the West (Mighty Mouse)—Terry.
 (7 m.) Aug. 16
 7301 Football Fanfare—Sports (9 m.) Aug. 23
 7502 The Tortoise Wins Again—Terrytoon
 (7 m.) Aug. 30
 7503 The Electronic Mouse Trap (Mighty Mouse)—
 Terrytoon (7 m.) Sept. 6
 7252 Jamaica—Adventure (8 m.) Sept. 13

- 7504 The Jail Break (Mighty Mouse)—Terry.
(7 m.) Sept. 20
7351 Winter Holiday—Sports (8 m.) Sept. 27
7505 The Snow Man—Terrytoon (7 m.) Oct. 11
7253 Historic Capetown—Adventure (8 m.) Oct. 18
7506 The Housing Problem—Terrytoon (7 m.) Oct. 25
7352 Summer Trails—Sports (8 m.) Nov. 8
7507 Crackpot King (Mighty Mouse)—Terrytoon
(7 min.) Nov. 15
7254 Girls and Gags—Adventure (8 m.) Nov. 22
7508 Uninvited Pests (Talking Magpies)—
Terrytoon (7 min.) Nov. 28
7509 The Hep Cat (Mighty Mouse)—Terry. (7m.) Dec. 6
7353 Playtimes Journey—Sports (8 m.) Dec. 13
7510 Beanstalk Jack—Terrytoon (7 m.) Dec. 20

Twentieth Century-Fox—Two Reels 1945-46

- Vol. 12 No. 13—Atomic Power—
March of Time (19 m.) Aug. 9
(End of 1945-46 Season)

Beginning of 1946-47 Season

- Vol. 13 No. 1—Is Everybody Happy?—
March of Time (18 m.) Sept. 6
Vol. 13 No. 2—World Food Problem—March of
Time (17 m.) Oct. 4
Vol. 13 No. 3—The Soviet's Neighbors—March of
Time (18 m.) Nov. 1

United Artists—One Reel

- Choo Choo Amigo—Daffy Dittys (8 m.) July 5
Pepito's Serenade—Daffy Dittys (7½ m.) Aug. 16
(End of 1945-46 Season)

Beginning of 1946-47 Season

- Toccata and Fugue—Musicolors (10 m.) Oct. 15

Universal—One Reel

- 1351 Mr. Chimp at Home—Var. Views (9 m.) Aug. 12
1373 Hobo Hound—Per. Odd (9 m.) Aug. 19
1374 Samson Jr.—Per. Odd (9 m.) Aug. 19
1327 Reckless Driver—Cartune (7 m.) Aug. 26
1352 Operation Holiday—Var. Views (9 m.) Aug. 26
1353 Mr. Chimp to the Rescue—Var. Views
(9 m.) Aug. 26
1354 Mr. Chimp on Vacation—Var. Views
(9 m.) Aug. 26
1375 Rural Rhapsody—Per. Odd. (7 m.) Aug. 26
(End of 1945-46 Season)

Beginning of 1946-47 Season

- 2381 A Bit of Blarney—Sing & Be Happy (10m.) Sept. 30
2391 Answer Man No. 1 (no title) (10 m.) Oct. 21
2321 Fair Weather Fiends—Cartoon (7 m.) Nov. 18
2322 Wacky Weed—Cartoon (7 m.) Dec. 16
2392 Nature's Atom Bomb—Answer Man No. 2
(10 m.) Dec. 30

Universal—Two Reels

- 1310 Swinging Down the Scale—Musical (15m.) June 26
1311 Breakin' It Down—Musical (15 m.) Aug. 28
(End of 1945-46 Season)

Beginning of 1946-47 Season

- 2581 Mysterious Mr. M—Serial (13 ep.) July 23
2301 Frontier Frolic—Musical (15 m.) Oct. 9
2302 Champagne Music—Musical (15 m.) Nov. 20
2303 Tumbleweed Tempus—Musical (15 m.) Dec. 4
2304 Moonlight Melodies—Musical (15 m.) Dec. 18

Vitaphone—One Reel

- 2705 Bacall to Arms—Merrie Melody (7 m.) Aug. 3
2512 Ranch in White—Sports (10 m.) Aug. 3
2610 Enric Madriguera & Orch.—Mel. Mas.
(10 m.) Aug. 10
2806 Adventures in South America—Adventure
(10 m.) Aug. 10
2706 Of Thee I Sting—Merrie Mel. (7 m.) Aug. 17
2313 Little Red Walking Hood—Cartoon (7 m.) Aug. 17
2707 Walky Talky Hawky—Merrie Mel. (7 m.) Aug. 31
2513 Dominion of Sports—Sports (10 m.) Aug. 31
2723 Rackateer Rabbit—Bugs Bunny (7 m.) Sept. 14
2708 Fair and Wormer—Merrie Mel. (7 m.) Sept. 28
2724 Big Snooze—Bugs Bunny (7 m.) Oct. 5
2709 Mousemized Cat—Merrie Melody (7 m.) Oct. 19
2710 Mouse Menace—Merrie Mel. (7 m.) Nov. 2
2725 Rhapsody Rabbit—Bugs Bunny (7 m.) Nov. 9
2711 Roughly Speaking—Merrie Mel. (7 m.) Nov. 16
2712 One Meat Brawl—Merrie Mel. (7 m.) Nov. 30
2713 Goofy Gophers—Merrie Mel. (7 m.) Dec. 7
2714 Gay Anties—Merrie Mel. (7 m.) Dec. 21
2715 Scent-imental Over You—Mer. Mel. (7 m.) Dec. 28
(More to Come)

Beginning of 1946-47 Season

- 3501 King of the Everglades—Sports (10 m.) Sept. 14
3301 Fox Pop—Blue Ribbon Cartoon (7 m.) Sept. 28
3402 So You Want to Play the Horse—
Joe McDoakes (10 m.) Oct. 5
3601 Dezi Arnaz & Band—Melody Master (10 m.) Oct. 12
3302 Wackie Worm—Blue Ribbon Cartoon (7m.) Oct. 12
3801 Star Spangled City—Adventure (10 m.) Oct. 19
3502 Lazy Hunter—Sports (10 m.) Oct. 26
3303 You're an Education—B. R. Cartoon (7 m.) Oct. 26
3503 Battle of Champs—Sports (10 m.) Nov. 9
3401 So You Want to Save Your Hair—Joe
McDoakes (10 min.) Nov. 16
3802 Rubber River—Adventure (10 m.) Nov. 16
3304 Have You Got Any Castles—Blue Ribbon
Cartoon (7 min.) Dec. 7
3602 Melody of Youth—Melody Master (10 m.) Dec. 14
3403 So You Think You're a Nervous Wreck—
Joe McDoakes (10 min.) Dec. 14
3504 American Sports Album—Sports (10 m.) Dec. 21

Vitaphone—Two Reels

- 2007 Down Singapore Way—Special (20 m.) July 20
2008 Men of Tomorrow—Special (20 m.) Aug. 24
(End of 1945-46 Season)

Beginning of 1946-47 Season

- 3101 O. K. For Sound—Featurette (20 m.) Sept. 7
3001 Cinderella's Feller—Special (20 m.) Sept. 21
3002 The Last Bomb—Special (20 m.) Nov. 2
3102 Minstrel Days—Featurette (20 m.) Nov. 30
3003 A Boy and His Dog—Special (20 m.) Dec. 28

NEWSWEEKLY NEW YORK

RELEASE DATES

Pathe News

- 75226 Sat. (E) ..Nov. 16
75127 Wed. (O) ..Nov. 20
75228 Sat. (E) ..Nov. 23
75129 Wed. (O) ..Nov. 27
75230 Sat. (E) ..Nov. 30
75131 Wed. (O) ..Dec. 4
75232 Sat. (E) ..Dec. 7
75133 Wed. (O) ..Dec. 11
75234 Sat. (E) ..Dec. 14
75135 Wed. (O) ..Dec. 18
75236 Sat. (E) ..Dec. 21
75137 Wed. (O) ..Dec. 25
75238 Sat. (E) ..Dec. 28
75139 Wed. (O) ..Jan. 1
75240 Sat. (E)Jan. 4

Universal

- 555 Tues. (O) ...Nov. 19
556 Thurs. (E) ..Nov. 21
557 Tues. (O) ...Nov. 26
558 Thurs. (E) ..Nov. 28
559 Tues. (O) ...Dec. 3
560 Thurs. (E) ..Dec. 5
561 Tues. (O) ...Dec. 10
562 Thurs. (E) ..Dec. 12
563 Tues. (O) ...Dec. 17
564 Thurs. (E) ..Dec. 19
565 Tues. (O) ...Dec. 24
566 Thurs. (E) ..Dec. 26
567 Tues. (O) ...Dec. 31
568 Thurs. (E) ...Jan. 2
569 Tues. (O)Jan. 7

Fox Movietone

- 23 Tues. (O) ...Nov. 19
24 Thurs. (E) ...Nov. 21
25 Tues. (O) ...Nov. 26
26 Thurs. (E) ...Nov. 28
27 Tues. (O) ...Dec. 3
28 Thurs. (E) ...Dec. 5
29 Tues. (O) ...Dec. 10
30 Thurs. (E) ...Dec. 12
31 Tues. (O) ...Dec. 17
32 Thurs. (E) ...Dec. 19
33 Tues. (O) ...Dec. 24
34 Thurs. (E) ...Dec. 26
35 Tues. (O) ...Dec. 31
36 Thurs. (E) ...Jan. 2
37 Tues. (O)Jan. 7

News of the Day

- 221 Tues. (O) ...Nov. 19
222 Thurs. (E) ..Nov. 21
223 Tues. (O) ...Nov. 26
224 Thurs. (E) ..Nov. 28
225 Tues. (O) ...Dec. 3
226 Thurs. (E) ..Dec. 5
227 Tues. (O) ...Dec. 10
228 Thurs. (E) ..Dec. 12
229 Tues. (O) ...Dec. 17
230 Thurs. (E) ..Dec. 19
231 Tues. (O) ...Dec. 24
232 Thurs. (E) ..Dec. 26
233 Tues. (O) ...Dec. 31
234 Thurs. (E) ...Jan. 2
235 Tues. (O) ...Jan. 7

Paramount News

- 23 Sunday (O) ..Nov. 17
24 Thurs. (E) ...Nov. 21
25 Sunday (O) ..Nov. 24
26 Thurs. (E) ...Nov. 28
27 Sunday (O) ..Dec. 1
28 Thurs. (E) ...Dec. 5
29 Sunday (O) ..Dec. 8
30 Thurs. (E) ...Dec. 12
31 Sunday (O) ..Dec. 15
32 Thurs. (E) ...Dec. 19
33 Sunday (O) ..Dec. 22
34 Thurs. (E) ...Dec. 26
35 Sunday (O) ..Dec. 29
36 Thurs. (E) ...Jan. 2
37 Sunday (O) ...Jan. 5

All American News

- 212 FridayNov. 15
213 FridayNov. 22
214 FridayNov. 29
215 FridayDec. 6
216 FridayDec. 13
217 FridayDec. 20
218 FridayDec. 27
219 FridayJan. 3

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No. 47

A Legal Analysis of the Statutory Court's Decision — No. 16

By George S. Ryan

CONCLUSION

For decades the trade practices in the motion picture industry have been a public reproach and a cause of great agitation and unrest. Apparently few opportunities to profit or to gain a business advantage have been ignored by the men directing the destinies of the great corporations that have dominated the industry.

Independent exhibitors, through trade associations and in conventions, beginning as early as 1919, have protested against various practices, loudly but invariably in vain. Groups of public-spirited citizens, recognizing the value of the motion picture in the fields of entertainment and education, have intervened in an effort to improve conditions, but with little success. Approximately twenty-four years ago the Federal Trade Commission instituted proceedings for the purpose of eliminating block booking and the acquisition of theatres by producers-distributors with the intention of monopolizing and restraining trade. Its efforts were equally ineffectual.¹⁰⁹ In 1927 a trade practice conference was held, in which producers-distributors and exhibitors participated, with the ostensible purpose of eliminating objectionable practices. Once more nothing of lasting benefit was accomplished.

In the course of the clamor, bills and resolutions were introduced in the Congress for the investigation or regulation of prevalent trade practices, such as the Brookhart Bill¹¹⁰ and the Neely-Pettingill Bill,¹¹¹ so-called, relating chiefly to block-booking and blind buying.

For almost a score of years the Government has sought to eradicate specific evils resulting from conspiracy of the dominant companies, usually by means of suits in equity or criminal prosecutions in widely-separated sections of the country, such as New York, Chicago, California and Missouri.¹¹² The industry itself has been a hot-bed of anti-trust litigation.

But none of these proceedings has been effective to curb the abnormal business methods of the dominant corporations. Ten years ago, at the conclusion of an article in this magazine, which is quoted in the introduction to this paper,¹¹³ the writer recommended an all-embracing action by the Government to determine the legality of all disputed practices.

Some of the results of this action by the Government are shown in the decision of the Expediting Court. The ultimate lines will be drawn by the Supreme Court. Independent exhibitors and distributors alike, who for decades have dwelt within the shadow of dynastic monopoly, need have no further apprehension. Inexorably, point by point, the processes of justice have triumphed. Inevitably the Supreme Court will place the seal of doom upon all unlawful practices and combinations.

When the ultimate word in this litigation has been written a new era of progress will begin, under clearly-defined law. Independent exhibitors will have an opportunity to conduct their business in a legitimate way, in a fairly competitive field. Independent producers and distributors will have a

wide market in which they may offer their wares, upon a footing of equality with the most strongly entrenched organizations. No one can predict the heights which may be reached.

For a while there will be a period of uncertainty, which may be awaited by some independents, as well as by the major companies, with dark misgivings. In all probability there will be changes not only in the challenged practices but also in the structure and position of many defendants. The ultimate event should be expected, however, not with apprehension, but with courage and confidence. The basic law of progress is change. Without it there can be no permanent improvement in human relations.

The thanks of all independent operators should be given to the Statutory Court for their decision. In even greater measure, however, their whole-hearted thanks should be extended to the Attorney General, to the anti-trust division of the Department of Justice, under the direction of Hon. Wendell Berge, and particularly to the capable and courageous Special Assistant to the Attorney General, Hon. Robert L. Wright, who, with his corps of associate attorneys, has represented the Government in the conduct of the suit. For years they have borne the brunt of the struggle for law and justice, and have thereby performed a notable public service.

The major distributors stand on slippery ground under dark skies. Wisdom should urge them to hasten to shelter and secure footing before the storm breaks upon them. If the decision of the Expediting Court is correct, they have entered into many thousands of illegal contracts; they have granted unlawful privileges; and they have in many other ways flouted the law. Every one of these violations is a "misdemeanor" under the anti-trust laws, punishable by a "fine not exceeding \$5,000, or by imprisonment not exceeding one year, or by both said punishments, at the discretion of the Court."¹¹⁴ In the eyes of the law the executive officers of the defendants who directed or participated in these violations are not entirely without liability.¹¹⁵

Conceivably, after so many years of apparent immunity, the defendants do not now appreciate their peril. In the proceedings before the Statutory Court they have fought vigorously to retain their advantages. They have adopted an attitude that seems to betray a blindness to reality and a complete lack of cooperation with the Government. As already suggested, the Department of Justice has been extremely tolerant,¹¹⁶ but by the time the decision of the Supreme Court is rendered its patience may be exhausted. Before that time it is hoped that corrective measures of a comprehensive nature will be voluntarily undertaken by the defendants, so that the Government may not find it necessary to invoke the sterner sanctions of the anti-trust laws.

Meanwhile, the remainder of the industry may await the final judgment with confidence and security. The anti-trust laws, as applied to the motion picture industry, have been given the acid test, and have demonstrated that they actually

(Continued on last page)

"Cross My Heart" with Betty Hutton and Sonny Tufts

(Paramount, no release date set; time, 83 min.)

This mixture of murder-mystery, comedy, and music has some entertaining moments, but on the whole it is in questionable taste. The idea behind the story is amusing; it revolves around a well-meaning chorus girl, a chronic liar, who confesses to a murder she did not commit in order to have her sweetheart, a struggling lawyer, defend her and win a reputation. But as presented it is frequently more vulgar than funny. The height of vulgarity is reached in the sequence in which the heroine is forced to fight off the lustful advances of a fat, sex-crazed, middle-aged producer. The total effect of this and other sequences involving the producer and the heroine, is that of disgust and a feeling of having witnessed something that leaves one with a bad taste. A considerable part of the comedy takes place in the court room during the trial, which is burlesqued to the hilt. The trial procedure will undoubtedly give American audiences many laughs, but foreign audiences might not grasp the satirical humor intended and, consequently, the dignity of the American courts may suffer in their estimation:—

Betty Hutton, a showgirl, accepts a position as private secretary to Howard Freeman, a Broadway producer, on his promise to give some business to Sonny Tufts, her lawyer-fiance. She leaves Freeman in a huff after he makes improper advances, and later, when she returns for her hat and gloves, discovers that he had been murdered and that she was suspected of the crime. Seeing an opportunity to benefit Tufts, she "confesses" to the murder. Tufts, a stickler for the truth, accepts Betty's story and assures her that he would gain an acquittal. Evidence of her "guilt" piles up against her, and Betty, frightened, admits to Tufts that her confession was a hoax. Although angered at the deception, Tufts basis his case on the fact that she had defended her virtue and, after a hectic trial, wins her freedom. He refuses, however, to have anything to do with her for having committed perjury. Unhappy over the separation, Betty goes to the prosecuting attorney and confesses to him that she did not kill Freeman, despite her confession and acquittal, and asks him to help trap the real killer, whom she suspected was Michael Chekhov, an eccentric actor, who had tried unsuccessfully to get the role of Hamlet in the victim's new production. Tufts, learning that Betty had lied to help his career, and that she had finally told the truth to the authorities, forgives her, and, aided by the police, he manages to trap Chekhov.

Harry Tugend and Claude Binyon wrote the screen play from a play by Louis Verneuil and Georges Berr. Mr. Tugend produced it, and John Berry directed it. The cast includes Rhys Williams, Ruth Donnelly, Iris Adrian and others. Adult entertainment.

"Susie Steps Out" with David Bruce, Cleatus Caldwell and Ann Hunter

(United Artists, Dec. 13; time, 65 min.)

This is one of those harmless program comedies with music, the sort that will serve its purpose as the lower half of a double-bill. It offers little that is novel, but indiscriminating audiences will probably find it fairly amusing for, even though the story is lightweight, the performances are engaging and the situations comical. Most of the action revolves around the adolescent pranks of an imaginative fifteen-year-old girl, whose efforts to become the family breadwinner result in mixups that raise havoc with her older sister's romance. Ann Hunter, a newcomer, is outstanding in the role of the adolescent heroine, and she has a good singing voice, too. The picture's box-office values are pretty weak, however, considering the lack of star names:—

When her father is stricken with a heart attack and is ordered to take a long rest, Ann decides to get a job to help her sister. Cleatus Caldwell, support their home. Cleatus, who worked for a television advertising agency owned by Howard Freeman, was constantly pursued by David Bruce, the agency's singing star, to whom she would not admit her love. Dressed in her sister's clothes in order to appear older,

Ann manages to obtain employment as a singer in a night-club. Bruce and Freeman happen to drop into the club for a drink, and Freeman, fascinated by Ann's beauty, makes a date with her. Realizing that she was young, and that Freeman's intentions were not honorable, but unaware that she was Cleatus' sister, Bruce takes Ann to his own apartment to protect her from the older man. Meanwhile Cleatus, learning of Ann's job, rushes to the night-club to take her home. There she learns that Ann had left with Bruce. She rushes to his apartment and, without giving him a chance to explain, warns him to keep away from her sister. Matters become complicated on the following day when Freeman, whose wife suspected that he had been having dates with Cleatus, is compelled by her to discharge the girl. Cleatus believes that Bruce had brought about her dismissal, thus straining their relations even further. In the course of events, Ann takes matters in hand and, through her strategy, the lovers become reconciled, Cleatus gets her job back, and Ann herself is employed by Freeman as a singer.

Elwood Ullman wrote the screen play from an original story by Kurt Neumann and Reginald LeBorg. Buddy Rogers and Ralph Cohn produced it, and Mr. LeBorg directed it.

"The Return of Monte Cristo" with Louis Hayward and Barbara Britton

(Columbia, no release date set; time, 91 min.)

The best that can be said for this period melodrama is that it has an attractive title and that it may draw to the box-office patrons who will remember the good entertainment values of "The Count of Monte Cristo." But those who expect to see a rousing, swashbuckling melodrama, filled with sword-play and thrilling escapades, will undoubtedly be disappointed, for the action is unexciting, given more to talk than to movement. Although the performances are fair, the story is weak; it lacks dramatic power and credibility. Whatever excitement the material offered has been left to indirection. For instance, the hero is shown embarking on his escape from Devil's Island, and in the very next scene we find him in France, the events of his escape being glossed over quickly by means of dialogue. On the whole, the picture does not rise above the level of program grade:—

Upon his graduation from medical school, Louis Hayward learns from his guardian that he was a grand-nephew of the Count of Monte Cristo, whose fortune had been kept in trust until he (Hayward) was old enough to use it wisely. Hayward travels to Marseille to present the will in court and, en route, he becomes acquainted with Barbara Britton, ward of Ray Collins, whose bank was trustee of the Monte Cristo estate. On the following day, when Hayward presents the will to Judge Ludwig Donath, Collins presents another will naming Barbara as the only heir, and declares that Hayward's will was a forgery. The judge concurs and orders George Macready, the Minister of Police, to imprison Hayward. Actually, Donath, Collins, and Macready had banded together to swindle Hayward out of his fortune, at the same time leading Barbara to believe that she was the rightful heir. Convicted of fraud and sent to Devil's Island to die, Hayward manages to escape with Steven Geray, an ex-actor, with whom he makes his way to France. They hide out in a Parisian theatre, and Hayward, taught how to wear disguises, sets out on a campaign of revenge. He makes his presence known to the swindlers but evades capture by his clever disguises. Through his impersonation of several characters, he tricks the judge into confessing his part in the crime, frightening him to such an extent that he dies from a heart attack; starts a run on Collins' bank and by exposing his frauds, causes the banker to be killed by angry depositors; and traps Macready into betraying himself to an unseen group of citizens, who drag him to the guillotine. His fortune regained, Hayward, convinced of Barbara's innocence in the plot, asks her to marry him.

George Bruce and Alfred Neumann wrote the screen play from a story by Curt Siodmak and Arnold Phillips. Grant Whytock produced it, and Henry Levin directed it. The cast includes Una O'Connor, Henry Stephenson and others.

Unobjectionable morally.

"The Mighty McGurk" with Wallace Beery, Dean Stockwell and Edward Arnold

(MGM, no release date set; time, 85 min.)

In some respects, this comedy-melodrama is similar to "The Champ," in which Wallace Beery was co-starred with Jackie Cooper in 1931, but it does not attain the strong emotional quality of that picture. It is, however, a fairly good entertainment, with enough comedy and human interest to satisfy most audiences, particularly Beery's fans, who will enjoy seeing him in the role of a bragging, ex-champion pugilist, a "trouble-shooter" in a Bowery saloon of the early 1900's. Typical of the stories in which Beery appears, he is shown to have a kind heart beneath his gruff exterior, a trait that eventually brings about his regeneration. Dean Stockwell, as an English orphan in whom Beery takes a mercenary interest that eventually turns to genuine affection, is very good; he acts with ease, arousing laughs or tears as the occasion requires. The closing scenes, in which Beery joins forces with the Salvation Army to fight off a gang of thugs, are quite exciting:—

Beery, the main attraction in Edward Arnold's saloon, is sent by Arnold to meet his daughter, who was returning from England. A mix-up at the dock finds Beery in charge of Dean Stockwell, an English orphan, whom he promises to deliver to his wealthy uncle. Unaware that the uncle was a shady investment broker hiding from the police, Beery takes the youngster to his office, where two cohorts, advising him that the uncle was "out of town," induce him to keep the boy for several weeks, promising him a handsome reward. Dean becomes attached to Beery and spends considerable time with him in the saloon, but, when the Children's Society threaten to take the boy away from him, Beery, to protect his anticipated reward, joins the Salvation Army to make an impression. He is permitted to keep Dean, but several days later, when the uncle returns and refuses to accept custody of the boy, he becomes bitterly disappointed over the loss of the expected reward. His attitude compels Dean to leave him and to seek refuge with the Salvation Army. Beery's friends, learning that his interest in Dean had been mercenary, shun him. Meanwhile Arnold, seeking possession of the building occupied by the Salvation Army in order to build a new saloon, orders Beery to start a riot that would force the Army out. When Beery refuses, Arnold threatens to reveal that he had won his championship in a fixed fight. Despondent over his treatment of Dean, and seeking to redeem himself with his friends, Beery joins forces with the Army to beat off Arnold's thugs. He makes a hero of himself, and Aline MacMahon, a pawnshop proprietor who had loved him for many years, induces him to propose marriage to her so that both could give Dean a decent home life.

William R. Lipman, Grant Garrett and Harry Clork wrote the original screen play, Nat Perrin produced it, and John Waters directed it. The cast includes Dorothy Patrick, Cameron Mitchell and others. Unobjectionable morally.

"Betty Co-Ed" with Jean Porter

(Columbia, November 28; time, 72 min.)

Minor program fare. It is a college story, with some musical accompaniment, and the plot is the worn-out theme about a girl of humble family background who finds herself exposed to the snobbery of an exclusive college sorority. Some sympathy is felt for the heroine because of her fortitude in combatting the insults aimed at her background, but this is not enough to hold one's interest, for the story is thin and its presentation is amateurish. Moreover, the audience is never held in suspense, for the outcome is obvious. Jan Savitt and his orchestra appear in one short sequence:—

Jean Porter, member of a family vaudeville troupe, interrupts her singing career to enter exclusive Upton College. She gains admittance by falsifying her family background. When William Mason, the school's most popular male, takes an interest in her, Jean incurs the enmity of Shirley Mills, president of the school's only sorority, who does her best to make the girl miserable. Learning of Jean's true family background, Shirley arranges for her to become a pledge and,

after inviting her to a sorority party, insultingly exposes her humble antecedents. Many students sympathize with Jean and nominate her to run against Shirley as a candidate for the title of "Betty Co-Ed," the most popular girl on the campus. Aware that Jean would win, Shirley deliberately stuffs the ballot box with votes for her rival, making it appear as if she had won by fraud. The school board takes action to expel Jean, and the girl, fed up with injustices, quits the school and denounces its undemocratic ways. Her tirade is overheard by the chairman of the college board, who prevails on her to remain. As a result, reforms are instituted in the school, the sorority is democratized, and Shirley, seeing the error of her ways, begs Jean's forgiveness.

Arthur Dreifuss and George H. Plympton wrote the original screen play, Sam Katzman produced it, and Mr. Dreifuss directed it. The cast includes Rosemary La Planche, Jackie Moran and others.

Unobjectionable morally.

"Magnificent Doll" with Ginger Rogers, David Niven and Burgess Meredith

(Universal, no release date set; time, 94 min.)

Acted with skill, and produced and directed with care, this story about the life of Dolly Madison, although highly fictional, shapes up as a good period drama, with better than average box-office possibilities because of the stars' popularity. Set in the early Colonial days, the story blends romance, drama and some comedy in such a fashion as to appeal to most types of audiences. Moreover, it contains a significant message on democracy and good government, put over in a manner that enhances the entertainment values. Ginger Rogers, as "Dolly," handles her role expertly. Her courage in quieting an unruly mob intent on lynching Aaron Burr, after his acquittal as a traitor, makes for a thrilling sequence. And her romance with James Madison is worked into the plot in an intelligent and appealing way. Burgess Meredith, as "Madison," is just right in a subdued characterization, while David Niven, as "Burr," is properly dashing and deceitful.

The story opens with Dolly, against her will, entering into a marriage to please her father (Robert Barrat). She weds John Todd (Horace McNally), a Quaker, and, though she lives happily with him, she cannot bring herself to love him. By the time her love has awakened, both her husband and baby are struck down by a yellow fever plague. She opens a dignified boarding house in order to make a living, and included among her guests are Senator Aaron Burr and Congressman James Madison. Both men pay court to Dolly, but she is swept off her feet by Burr's dashing personality. Her interest in him grows cold, however, when she learns of his ambition to overthrow the Government and become Emperor of America. Madison's democratic ideals make her realize that it was he whom she loved, and in due time both are married. Dolly takes a deep interest in her husband's political affairs and, several years later, when Burr, through political trickery, claims the presidency over Thomas Jefferson (Grandon Rhodes), she prevails on him to withdraw his claim for the good of the country. In due time Jefferson makes Madison his Secretary of State and relegates to Dolly the duties of mistress of the White House. Later, Burr, after slaying Alexander Hamilton in a duel, finds himself imprisoned for high treason when his plans for conquest are uncovered. The Court, in accordance with the laws of the land, is compelled to acquit him, but the decision proves unpopular with the people and a mob gathers to lynch him. Condemning Burr's actions but demanding that the laws of the land be respected, Dolly makes an impassioned plea to the infuriated mob and succeeds in saving Burr's life. Burr is banished in shame to Europe, and years later, when Madison is elected to the presidency, Dolly assumes her position as the First Lady of the Land.

Irving Stone wrote the original story and screen play, Jack H. Skirball produced it, and Frank Borzage directed it. The cast includes Peggy Wood and others.

Unobjectionable morally.

constitute a charter of economic liberty.¹¹⁷ In the future, business will be able to proceed in a normal course, without agitation and suspicion. Order will reign in this chaotic industry.

¹⁰⁹The proceedings resulted in the opinion of the Circuit Court of Appeals for the Second Circuit already cited, *Federal Trade Commission v. Paramount Famous-Lasky Corp.*, (C.C.A. 2) 57 F. 2d. 152.

¹¹⁰S. 1667, introduced in the Senate by Senator Brookhart of Iowa, on which there were extensive hearings in 1928 before the Senate Committee on Interstate Commerce.

¹¹¹S. 280, introduced in the Senate by Senator Neely of West Virginia, H.R. 4757, 74th Cong., 1st Sess., introduced by Representative Pettingill, on which there were lengthy hearings in 1936 before a Sub-Committee of the Committee on Interstate and Foreign Commerce.

¹¹²These proceedings are narrated in the article on "Anti-Trust Litigation in the Motion Picture Industry" in HARRISON'S REPORTS, 1936. Subsequently suits were instituted in Texas, Tennessee, Western New York and Oklahoma.

¹¹³HARRISON'S REPORTS, June 27, 1936, August 3, 1946.

¹¹⁴U.S.C.A., 1,2.

¹¹⁵Executives of other corporations convicted of violating the anti-trust laws have recently been subjected to substantial punishment. In the United States District Court for the Eastern District of Kentucky three leading tobacco companies and some of their officials were fined a total of \$255,000 on only three charges. The judgments were affirmed by the Circuit Court of Appeals, *American Tobacco Company v. United States*, (C.C.A. 6) 147 F. (2d) 93, and the Supreme Court, *Id.*, June 10, 1946. Recently the press has reported the imposition of substantial fines upon the Great Atlantic & Pacific Tea Company.

¹¹⁶HARRISON'S REPORTS, Nov. 2, 1946.

¹¹⁷*Appalachian Coals, Inc. v. United States*, 228 U.S. 334, 359, 360.

THE END

"My Brother Talks to Horses" with "Butch" Jenkins, Peter Lawford and Edward Arnold

(MGM, no release date set; time, 92 min.)

A delightful, heart-warming comedy-drama; it keeps one chuckling from beginning to end. Its tale about a youngster's love for animals and his amazing ability to talk with them serves as the basis for a charming family story, which to some extent is a variation on the "daffy" family theme. It has plentiful comedy brought about by the eccentricities of the boy's mother, by an inventor who lived with the family, and by gamblers who take a sudden interest in the boy in the hope that he could tell them in advance the name of the horse that would win a particular race. The central character is the remarkable child-actor, "Butch" Jenkins, who endears himself to the audience by his natural manner. The action includes two horse races, both of which are executed in a highly exciting and realistic fashion. Charles Ruggles, as one of the gamblers, contributes an amusing characterization. Understanding direction and competent performances make it the type of entertainment that puts one in a good mood:—

"Butch," whom animals instinctively adored, spends his spare time with "The Bart," a gallant but aging race horse owned by Edward Arnold. One day Arnold asks "Butch" to accompany him to the race track and invites Peter Lawford, "Butch's" older brother, and Beverly Tyler, Lawford's sweetheart, to join them. At the track, "Butch" proves his ability to talk to horses by reporting to the group just which horse would win a particular race, in accordance with the information given him by the animals. Three amazed gamblers overhear his statements and see them come true. When "Butch" learns that "The Bart" had been entered in a claiming race, he becomes concerned lest the new owner be someone who might mistreat the animal. To ease the lad's mind, Ernest Whitman, Arnold's colored groom, put up his savings of \$1800, and Lawford adds to it the \$400 he had saved to marry Beverly. "The Bart" breaks his leg in the race and is destroyed. The loss of his savings delays Lawford's marriage plans and creates a rift between Beverly and himself. Meanwhile "Butch," recovered from the shock, finds the gamblers taking a sudden interest in his welfare. On the day of the Preakness, "Butch" discovers that the death of "The Bart" had in some way affected his ability to speak with horses. One of the gamblers, infuriated because the boy could not give him any information, strikes him. Law-

ford, enraged, licks the gamblers in a terrific fight. He then pools his money with that of Beverly and his mother (Spring Byington) and bets it all on a horse in whom "Butch" believed. The horse wins, and though Lawford, a bank employee, is discharged for gambling, he finds himself financially able to marry Beverly.

Morton Thompson wrote the story and screen play, Samuel Marx produced it, and Fred Zinnemann directed it. The cast includes O. Z. Whitehead, Irving Bacon, Howard Freeman and others.

Unobjectionable morally.

"The Razor's Edge" with Tyrone Power, Gene Tierney, Herbert Marshall, Anne Baxter and Clifton Webb

(20th Century-Fox, December; time, 146 min.)

Technically, this screen version of W. Somerset Maugham's widely-read novel is an impressive production, and the popularity of the stars, coupled with the extensive publicity campaign behind the picture, will undoubtedly attract many patrons to the box-office. As entertainment, however, it is somewhat disappointing, despite fairly good performances by the players, particularly the excellent work of Anne Baxter, as "Sophie," a fallen woman addicted to drink. The chief trouble is with the story itself, for, like the book, its tale about a young man's quest for spiritual peace, his finding of it, and his efforts to bring goodness into the lives of his friends, is so vague that few will be able to grasp the message of faith it intends to convey. When the picture gets away from its obscure excursions into things spiritual, the story is essentially a tale about the frustrated love of a beautiful but deceitful woman, who marries a wealthy man because he could keep her in the style she was accustomed to rather than chance marriage to the man she loved, whose search for a better way of life and whose limited earnings would deny her the luxuries she desired. How she tries to hold his love, despite her marital status, and how, after he spurns her overtures, she deliberately breaks up his pending marriage to "Sophie," whom he was trying to rehabilitate, make up the rest of the story. All this is told against backgrounds that range from the fashionable districts in Chicago and Paris to the Parisian Apache quarter and the Himalayas in the Far East, where the teachings of a Hindu mystic help the hero to find the spiritual peace he sought. It is not a pretty story, and several of the incidents are quite unpleasant. Moreover, the continuity is choppy, for the action shifts from one episode to another with rapidity.

The picture's emotional appeal revolves mainly around the tragic life of Miss Baxter. One feels deeply her grief when, as a happily married woman, both her husband and baby are killed in an auto crash, a tragedy that eventually leads to her degradation as a habitue of Apache bistros, where she tries to drown her sorrow in drink. Tyrone Power, as the emotionally upset young aviator who returns from World War I determined to learn the reason why his life was spared while others died, and Gene Tierney, as the woman who pursues him, do well with the requirements of their roles. Others who contribute impressive performances include Clifton Webb, as Gene's uncle, an arrogant but good-hearted snob; Herbert Marshall, as Maugham, the author; and John Payne, as Gene's husband.

All in all, the picture represents an earnest effort on the part of all concerned in its making, but the story material lacks the necessary qualities that would make it the significant drama it was intended to be. As it stands, it is the sort of picture that is more suited to the classes than to the masses, who, aside from the inconclusiveness of the story, may find the dialogue, not only too abundant, but also a bit too lofty.

Lamar Trotti wrote the screen play, Darryl F. Zanuck produced it, and Edmund Goulding directed it. The cast includes Lucile Watson, Frank Latimore, Elsa Lanchester, Fritz Kortner and others.

Adult entertainment.

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A Thoughtless Degradation of Racial Minorities

According to a report in the November 6 issue of weekly *Variety*, a reviewing committee, made up of members of different religious and public groups, voiced vehement objections against Bing Crosby's production of "Abie's Irish Rose," which they described as "the worst sort of caricature of both Jews and Catholics—much worse than the 1928 original—and a film that sets us back twenty years in the work we have been trying to do in bringing the people of America closer together."

The members of this reviewing committee were particularly incensed over the derogatory manner in which the film, for comedy purposes, depicts the main Jewish and Irish characters. For instance, throughout the action the "economy" trait, which is supposedly a Jewish characteristic, is stressed. The Jewish father is shown "feeling the goods" as he helps the heroine with her coat, remarking on whether or not she received value for what she paid; refusing to alter a dress suit that was too large for him because it would mean cutting away part of the value; arranging for his future daughter-in-law's wedding gown to be bought "wholesale"; using oranges instead of orange blossoms as wedding decorations because they can be eaten; and ever so many other stereotyped gags implying that "what-it-costs" is a motivating factor of major importance in a Jew's life, and that he is inherently stingy and calculating. The Irish father is caricatured in a way that is just as bad as the Jewish father. He is depicted as argumentative, bull-headed and thick, holding his head in his hands and moaning "Wurra! Wurra!" to denote that he is a grieved man with unbearable troubles. The Jewish father, too, holds his head in his hands when faced with troubles, but he, swaying from side to side with ludicrous gesticulations, moans "Oy! Oy! Oy!"

Having seen the picture, the writer of this article agrees wholeheartedly with the protestations made by the reviewing committee of these organizations. And he is of the opinion that many others who will see the picture will feel likewise, for there is no question that the film's depiction of these racial characterizations is in the worst possible taste, even though no harm may have been intended by the producer.

Handled delicately, "Abie's Irish Rose" could have been, in terms of entertainment, a fine propaganda picture for the teaching of religious tolerance between Christians and Jews, for it has an emotional content that would appeal to most people. But as it now shapes up it will do more harm than good because of the disparaging racial caricatures, which, though meant to be comical, will serve only to delight bigots at the expense of minority racial groups. What is even more catastrophic is the fact that millions of people, in

whose minds racial prejudices do not exist, may see this picture and be left with the erroneous impression that the feelings and thoughts of all Jews are controlled by the almighty dollar, and that all Irishmen are aggressive, thick-headed individuals, ready to fight at the drop of a hat—in other words, "shanty" Irish.

HARRISON'S REPORTS does not believe that Bing Crosby's producing company intended to either malign or cast an odious reflection upon the integrity of the Irish and the Jews. It is just that those connected with the picture's making were thoughtless. They did not stop to consider that comic racial caricatures, such as they depicted, is of the stuff that adds fuel to the fires of racial hatred wherever it exists—and it does exist to an appalling degree. They failed to realize that what may have been comical to the public in years gone by is no longer funny in these critical days. Having just emerged from a world conflict that was sparked by racial intolerance, the public is in no mood to find comedy in situations or characterizations that tend to degrade peoples.

In producing "Abie's Irish Rose," Bing Crosby did not exercise much discretion, and his unwitting but unpardonable blunder should serve as a warning to other producers that they and every one connected with their organizations must be discerning in their selection of what goes into a picture, particularly in these times, when we are going through difficult days, and when the United States, as the leading nation of the world, is looked to by suffering minority groups in war-torn nations as the one country that is in a position to promote universal peace. It can readily be understood how an American film, which exaggeratedly ridicules minority groups, even though such ridicule is meant to be no more than good-natured spoofing, can damage the prestige the country now enjoys.

Another important fact the producer has to consider is that, in selecting his material, he has a definite obligation insofar as the exhibitor is concerned, for, in the final analysis, he is the one who has to bear the wrath of, not only the powerful organizations opposed to the picture, but also the patrons who will resent that which it portrays.

Unfortunately, it seems as if little can be done to stop the distribution of the picture. Before booking it, however, the exhibitor would do well to consider carefully just what effect its exhibition may have in their particular situations lest they suddenly find themselves pressured from all sides. And in gauging the public's temperament, the exhibitor should take into consideration also that, about a year ago, an organized protest by radio listeners compelled Procter & Gamble, soap manufacturers, to drop their sponsorship of the "Abie's Irish Rose" radio program, which was then taken off the air.

"The Best Years of Our Lives" with Fredric March, Dana Andrews, Myrna Loy and Teresa Wright

(Goldwyn-RKO, no release date set; time, 172 min.)

Samuel Goldwyn has come forth with an extremely fine drama in "The Best Years of Our Lives," which, in terms that will be understood by all classes of moviegoers, realistically and honestly depicts the problems faced by veterans in their reconversion to a peacetime way of life. William Wyler's sensitive direction, Robert E. Sherwood's superlative screen play, and great performances by the entire cast combine to make this picture go down in the industry's history as one of its finest achievements. The characters are so real, and the parts are enacted so understandingly, that one thinks he is looking at real-life occurrences. One feels the joys and the sorrows of the characters as if they were one's own joys and sorrows. Although the picture's running time is just eight minutes under three hours, one takes little notice of this length because what it has to offer is warm, sincere, impressive and satisfying. Its emotional appeal will move one so deeply that it will be difficult to suppress tears. Moreover, its romantic interest is intelligent and appealing, and its comedy is delightful.

The story's three central characters are Fredric March, as a middle-aged infantry sergeant and bank executive in private life; Dana Andrews, as an Air Force captain and former "soda-jerk"; and Harold Russell, as a youthful seaman, who had lost both his hands in action, and who wore articulated hooks in their place. Russell, a newcomer, wears these hooks in real life, and his first try at acting is remarkably good. The story opens with the three veterans, all living in the same mid-Western town, meeting for the first time and becoming fast friends as they hitch an airplane ride back home. Their homecomings are as different as their houses. At a smart apartment house, March is greeted warmly by his wife (Myrna Loy) and two grown children (Teresa Wright and Michael Hall), but not having seen them for three years he feels awkward and self-conscious. At an old-fashioned frame house, Russell is greeted by his family and by his sweetheart (Cathy O'Donnell), whose shocked silence and embarrassing pity make him uneasy. Andrews comes home to a dreary, rundown shack on the wrong side of the tracks, where he learns from his gin-soaked father that Virginia Mayo, the girl he had married twenty days before he had gone overseas, had moved away and had taken employment in a night club. The story then centers around March's gradual resumption of his domestic ties, and of his work at the bank, where he is made vice-president in charge of small loans to veterans; Russell's seeking escape from his overly-considerate family, and his efforts to discourage the deep love his sweetheart felt for him, despite his disability, until she convinces him that their love was powerful enough to overcome his misfortune; and Andrews' discouragement over financial difficulties that compelled him to resume his work as a "soda-jerk," his eventual discovery that his flashy wife was unfaithful, and his falling in love with March's daughter, a romance that is realized only after Andrews breaks with his wife.

Lack of space does not permit the recounting of the many details that make this picture the poignant drama that it is. The uncontrollable wail of Russell's mother when she first sees his mechanical hands; his demonstrating to his sweetheart the fact that he was helpless without his harness; and his skill as he uses his hook-like prosthetic devices to place the wedding ring on her finger are but a few of the memorable dramatic highlights. The picture's lighter moments are concerned chiefly with March's awkwardness as he adjusts himself to living with his family. The sequences in which he gets drunk and suffers a hangover, after celebrating his homecoming, are extremely funny. Among others, the cast includes Hoagy Carmichael, Gladys George, Roman Bohnen and Ray Collins—all are excellent.

"Lady in the Lake" with Robert Montgomery and Audrey Totter

(MGM, no release date set; time, 103 min.)

Very Good! What might have been a fairly interesting murder-mystery picture has been turned into a superior melodrama by reason of the novel and highly successful technique used to present the story. This technique gives the camera itself the leading role; that is, the camera becomes the eyes of the hero and one sees only what the hero himself can see as he goes about the business of investigating the mystery. The result is that the hero, a private detective,

played by Robert Montgomery, is never seen during the action except at such times as his image is reflected in a mirror. Yet one hears his voice and sees his hands reach out for objects. The other characters, while conversing with him, look directly into the camera, and even when he is beaten by the villain the blows are aimed at the camera. The total effect on the spectator is to make him feel that he himself is the detective, thus heightening the suspense and intensifying the interest. Montgomery, who also directed the picture, deserves unstinting praise for his magnificent handling of this imaginative technique, which will undoubtedly create considerable word-of-mouth advertising, thus insuring the picture's box-office success. How Montgomery carries on a romance by this new method, with the heroine puckering up her lips and aiming her kisses directly at the camera, is really something to see.

The picture opens up with Montgomery at his desk, telling the audience about his adventures in a recent murder case. The action then dissolves into a flashback with the camera becoming Montgomery's eyes, seeing only what he can see. There are so many twists to the plot, which is based on a Raymond Chandler novel, that it defies one's attempt to synopsise. Briefly, however, it concerns his being retained by Audrey Totter, a pulp magazine editor, to locate the missing wife of her publisher, Leon Ames, whom she hoped to marry herself. Montgomery's investigation leads him to believe that the woman had been murdered, a theory he eventually proves, but before he solves the case he goes through a series of hair-raising adventures, in which he becomes involved in a second murder and is framed by a crooked detective. In the interim he finds romance with Audrey, a "gold-digger," who in time sees the error of her ways. It is a well-knit screen play, written by Steve Fisher, and the plot developments are worked out logically. Miss Totter, incidentally, turns in a very good performance, as does Lloyd Nolan, as the wayward detective.

George Haight is the producer. The cast includes Tom Tully, Dick Simmons, Jayne Meadows and others.

Although suggestive in spots, nothing objectionable is shown.

"Abie's Irish Rose" with Joanne Dru and Richard Norris

(United Artists, December 27; time, 96 min.)

Whatever entertainment values there are in this remake of "Abie's Irish Rose," which was first produced by Paramount in 1928, are offset by questionable comedy, the sort that tends to degrade and slander both the Jewish and Irish races. Although this type of comedy, the details of which are outlined in the front page editorial of this issue, may have passed as entertainment several generations ago, its effect today is that of leaving one with a bad taste in his mouth. Consequently, the picture can hardly be classified as popular entertainment.

Except for some minor changes to bring it up to date, the story remains substantially the same. The plot, which is based on the play by Anne Nichols, who wrote also the screen play, deals with the marriage of a Jewish boy to an Irish girl, much to the consternation of both their fathers. In the course of events the youngsters are married by a rabbi and by a Catholic priest, but the fathers, objecting on racial grounds, remain unreconciled; both disown their children. The birth of twins, and the efforts of the rabbi and the priest, eventually make for a happy ending in which the battling fathers become reconciled with themselves and their children, giving their blessings to the mixed marriage.

There is no question that, towards the finish, the film has several appealing moments, but they are not enough to overcome the distastefulness of the preceding action, in which the fathers constantly fly at each other's throats, making offensive remarks about one another's race. Michael Chekhov, as the Jewish father, is more repelling than amusing, as is George E. Stone, whose characterization of a Jewish lawyer and friend of the family is painfully ludicrous. J. M. Kerrigan plays the Irish father in the comic tradition of "shanty" Irish, and his pugnaciousness and constant derogatory remarks about things Jewish merely serves to imply that nothing gentle, refined, or cultured exists in the Irish character. The only principal roles in which the players show some semblance of dignity are that of "Abie" and "Rosie," played by Richard Norris and Joanna Dru, and the rabbi and the priest, played by Emory Parnell and Art Baker, respectively.

Edward A. Sutherland produced and directed for Bing Crosby Producers, Inc. The cast includes Vera Gordon, Eric Blore and others.

"The Yearling" with Gregory Peck, Jane Wyman and Claude Jarman, Jr.

(MGM, no release date set; time, 134 min.)

Excellent mass entertainment; it is a great picture, both as to production and entertainment values. Based on Marjorie Kinnan Rawlings' Pulitzer prize novel, its simple but heart-warming story about a pioneer family's struggle for existence, and about the love of an eleven-year-old boy for a fawn, emerges as a powerful human-interest drama, one that constantly plays on the emotions. Its emotional appeal is so intense that even the most hardened picture-goer will be moved. The readers of the novel should be thrilled, for the casting is expert and the characters appear just as one imagined them. The beauty and charm of the picture lies not only in the story but also in the characters, whose simplicity and courage are a source of inspiration. The family, consisting of father (Gregory Peck), mother (Jane Wyman), and son (Claude Jarman, Jr.), has been directed by Clarence Brown with such keen understanding and sympathy that the audience feels affection for them and shares in their joys, as well as in the heart-breaking set-backs they suffer. The performances are uniformly flawless. Peck, as the father, is inspiringly courageous in his struggle against storms that ruin his crops, and against wild animals that kill his livestock. And the tenderness of the comradeship and understanding between his son and himself is something fine to see. Jane Wyman, as the mother, turns in a performance that will undoubtedly place her among the Academy Award contenders. Despite her stoical forbearance, she conveys to the spectator, by finely shaded facial expressions, the sufferings of a woman who had lived a life of drudgery and self-denial but who was extremely proud. Special mention must be made of Claude Jarman, Jr., a newcomer, who plays the son; his naturalness and charm, and his amazing ability to convey all types of boyish emotions, should win him praise from all. Superbly photographed in Technicolor against a background of wildly beautiful Florida scrub country, where the family lived in a wilderness clearing, the picture is unsurpassed in its pictorial beauty. One sequence, in which father and son, accompanied by hunting dogs, track down a vicious bear, is extremely exciting. The fight between the bear and the dogs is so savage that those with weak stomachs will turn their eyes away from the screen. Conversely, they will get keen pleasure out of the poetically beautiful sequences in which the youngster runs and romps with the deer.

The story, which takes place shortly after the Civil War, tells of the family's hand-to-mouth existence on their meagre earnings from the soil, and of Pack's hope to raise a "money crop" that would enable him to build a well outside his door, thus lightening his wife's burden. Their son, the only one of four children to have survived the rigors of pioneer life, begs for a pet to relieve the loneliness of his solitary boyhood, but the mother denies the request lest the pet put a further drain on the family's limited resources. When Peck, bitten by a rattlesnake, hurriedly kills a doe and uses its heart and liver to draw out the poison, the boy, on whom the care of the crops now depended, is permitted to adopt the doe's orphaned fawn as his pet. Claude is completely happy with the fawn, but as it grows into yearling the animal becomes a great liability because of the damage he does to the crops. The yearling's destructiveness eventually threatens the family's very existence, compelling Peck to order the boy to shoot the animal. Unable to kill his pet, Claude turns the yearling loose in the scrub, but the animal soon returns to the farm, and the mother, of necessity, shoots and wounds him. Claude, heartbroken, is compelled to put the yearling out of its misery. Embittered, he runs away from home, but he returns after three days of starvation and hardships, more matured and fully cognizant that necessity, not viciousness, motivated his parents in demanding that he dispose of the yearling.

Paul Osborn wrote the screen play, and Sidney Franklin produced it. The cast includes Chill Wills, Clem Bevans, Henry Travers, Forrest Tucker and many others.

"The Secret Heart" with Walter Pidgeon, Claudette Colbert and June Allyson

(MGM, no release date set; time, 97 min.)

Just a fair drama, which, by virtue of its star values, may do better than average business. It is chiefly a woman's picture, for the story revolves around a young widow who sacrifices her own love and happiness to devote herself to the upbringing of her two step-children, keeping from them the knowledge that their father, a suicide, was a thief. Worked into the plot is the adolescent love felt by the neurotic stepdaughter for the suitor of her widowed step-

mother. The basic ingredients of the story are good, but as presented the picture fails to strike a note of realism and the action is stagey. Moreover, the motivating factor behind the heroine's self-sacrifices is not clearly delineated. Claudette Colbert, as the widow, is sympathetic, but it is not enough to overcome the artificiality of the plot. Lionel Barrymore, as a psychiatrist, plays a very small part.

Told partly in flashback, the story reveals how Claudette, prior to her marriage to Richard Derr, became attached to Walter Pidgeon, a close friend of Derr's, but her infatuation for Derr had been too strong to break. Her marriage to Derr, an accomplished pianist, had been unhappy because of his bitterness over being compelled to follow a banking career, and he had committed suicide after becoming involved in a bank swindle, leaving Claudette and his two children (June Allyson and Richard Sterling) under a stigma of disgrace. Claudette had declined Pidgeon's offer of marriage and, for ten years, had devoted herself to the children and to becoming a success in business in order to pay off Derr's debts. Sterling, grown to manhood, adored and respected Claudette, but June, who had inherited her father's neurotic nature, could not bring herself to love her stepmother because of a belief that she had in some way been responsible for her father's death. (She had never learned about his suicide or the scandal.) In the course of events, Sterling obtains employment in Pidgeon's shipyard, thus renewing Pidgeon's acquaintance with the family and awakening his love for Claudette. June develops an adolescent "crush" on Pidgeon and misunderstands his fatherly interest in her. Meanwhile Sterling, in an effort to shock June out of her psychopathic state, tells her the truth about their father. This information, coupled with the realization that Pidgeon loved Claudette, drives June to attempt suicide like her father. Claudette saves the girl as she is about to fling herself off a cliff, and, through warm understanding and sympathy, brings her back to normalcy. It all ends with June finding romance with a boy her own age, and with Claudette finally yielding to Pidgeon's proposals.

Whitfield Cook and Anne Morrison Chapin wrote the screen play from a story by Rose Franken and William B. Meloney. Edwin H. Knopf produced it, and Robert Z. Leonard directed it. The cast includes Marshall Thompson, Elizabeth Patterson, Patricia Medina and others.

Unobjectionable morally.

"Wake Up and Dream" with June Haver and John Payne

(20th Century-Fox, no release date set; time, 92 min.)

Based on the novel "Enchanted Voyage," which was a delightful, whimsical tale about an old man who dreamt of the sea and built a sailboat on wheels, this screen version emerges as a curious admixture of fantasy, whimsy, romance and music, which is so slow-moving and so confusingly jumbled that one loses interest in it long before the final reel; it all adds up to a dull hodge-podge of nonsense, photographed in Technicolor. Considerable changes have been made in the story, which now has as its theme a little girl's faith that she would find her brother, reported missing in action. But an inept script, uninspired direction, and dialogue that is overabundant and insipid, prove too much of a handicap for every one of the players.

The story's central characters are Connie Marshall, a little girl, whose farmer-brother (John Payne) had joined the navy, leaving her in charge of a relative; June Haver, a waitress, who was Payne's sweetheart; and Clem Bevans, an old carpenter, who had built a sailboat in his backyard, 300 miles from the sea. Connie runs away from her relatives and seeks refuge aboard Bevan's boat, where she is cared for by June. A fierce storm knocks the boat loose from its land moorings, causing it to sail down a highway road with all three aboard. Believing Bevan's tall tales about his conquests of the sea, Connie persuades him to set out in the home-made boat to find a mythical island on which she believed her missing brother would be found. The rest of the story concerns itself with how the trio make their way from Maine to the Louisiana bayous via inland waterways, becoming grounded in a swamp, where they are eventually found and rescued by Payne, who allows Connie to think that she had found him. Obviously, this "strange" voyage was meant to give the picture its appeal, but the trio's adventures en route, during which they pick up a roving dentist and become chummy with a daffy hermit, are too ludicrous to be funny and too dull to be interesting.

Elick Moll wrote the screen play, Walter Morosco produced it, and Lloyd Bacon directed it. The cast includes Charlotte Greenwood, John Ireland, and others.

Unobjectionable morally.

REPUBLIC'S SILENCE WIDENING BREACH OF FAITH WITH ITS CUSTOMERS

In its November 9 issue, this paper brought to the attention of its readers a telegram sent by Pete Wood, secretary of the Independent Theatre Owners of Ohio, to James R. Grainger, Republic's general sales manager, protesting against his company's treatment of the exhibitors in connection with the delivery of eight "Roy Rogers" westerns promised to the 1945-46 contract-holders.

Having received no response from Grainger, Wood, in a recent bulletin to the members of his organization, had this to say:

"A BOUQUET OF JIMSON (STINKWEED) TO REPUBLIC

"Notwithstanding the fact that it had not delivered any of the eight Roy Rogers *promised on their regular 1945-46 contract*, Republic pictures in July of this year started selling 'My Pal Trigger' as a 'special.' As this production has identically the same cast as all the 'regular' Rogers pictures—Rogers, Gabby Hayes, Dale Evans and Trigger—the only reason for committing this breach of contract was to obtain more rental for an *ordinary* Rogers production.

"The 1945-46 Rogers contract started to function with the delivery, in August, of 'Under Nevada Skies,' followed by 'Roll on Texas Moon' in September. Then, still owing SIX Rogers to their 1945-46 contract-holders, this month Republic pulls another 'Capone,' (without benefit of tommy-gun), by designating 'Home in Oklahoma' as a 'special.' This, too, is cast with the same old stand-bys—Rogers, Hayes, Evans and Trigger.

"Last week we wired Republic's General Sales Manager Grainger as follows, and to which we have had no response:

"Many thousands of exhibitors who in good faith signed forty-five forty-six contracts upon your promise to deliver eight Roy Rogers, only two of which were delivered, are being deprived of their rights through your utter disregard of decent business ethics by your action in camouflaging 'Home in Oklahoma' as a special. You pulled the same trick with 'My Pal Trigger.' It's no wonder that the courts and the Government are about to operate our business."

"We hope exhibitors will register an emphatic NO when they are asked to buy these 'regular' Rogers at special increased prices, thus condemning this shyster method of doing business. And remember—even when it's in writing you can't believe a Republic contract.

"EXHIBITORS SHOULD ALSO WATCH FOR THIS

"For 1946-47 Republic is trying to put itself in the 'quality' (quality rental, that is) class with the following:

"2 Borzage Productions; 8 Roy Rogers Trucolor (See * below); 8 Special DeLuxe; 8 Red Rider; 4 Major Trucolor; 4 Gene Autry; 16 Variety; 6 Hale Trucolor.

"*As of today Republic is indebted to their 1945-46 contract-holders to the extent of SIX Rogers, so a vast number of exhibitors are going to be deprived of several of these productions, no matter what contract they have signed in the past or will sign from now on. Therefore, in placing a value upon a Republic 1946-47 contract, exhibitors can forget these 8 Rogers.

"As a stockholder in Confidential Reports, Inc., Republic has learned something about the exorbitant rentals which exhibitors are paying Paramount, Fox, United Artists, etc., and they will now find Republic demanding similar terms for their 1946-47 product. Of course they have no legitimate reason for doing so when we review the ten pictures Republic designated as 'specials' during 1945-46, most of which were usable only as 'seconds' on double bills.

"If you must pay Metro prices, buy Metro—not Republic."

Although several weeks have elapsed since Wood charged Republic with a "chiseling" sales policy, Grainger has

elected to remain silent. By his silence, however, his company stands condemned, for his failure to come forth with a reasonable explanation of his company's action denotes to the exhibitors that Republic's position is indefensible and that it intends to squeeze its customers to the limit. Hence, on the face of the record, no exhibitor could be blamed for exercising extra caution in his future dealings with Republic.

It is quite possible that Republic, in following a policy of worthless promises, is taking advantage of a contract clause that puts a stamp of legality on its actions. If such is the case, the company would do well to reconsider its sales methods lest exhibitor opinion prove so intensely adverse that it will require no further argument to bring it to a policy of fair dealing.

GOLDWYN RIGHT THIS TIME

As sure as day follows night, Samuel Goldwyn can always be depended on, at least once a year, to come forth with a statement about what is wrong with the motion picture industry in general.

True to form, Goldwyn arrived in New York last week, prior to the opening of his latest picture, and, at a press interview, in which he accused Hollywood of being "rich and lazy," he found time to toss off a few remarks about how the exhibitors have been having the time of their lives during the past five years, making money hand over fist and never giving a picture the run it ought to get. "Their main job," said Goldwyn, "is to buy a picture as cheap as possible and then go fishing."

Mr. Goldwyn's criticism of the exhibitors comes under the heading of a repeat performance. He has expressed similar remarks in prior years, and this paper has taken him to task each time. To say any more would merely be to rehash what has already been said in these columns.

But, discounting his annual "beef" about the exhibitors, HARRISON'S REPORTS is of the opinion that he made a sound statement when he said that Hollywood is "rich and lazy" and that it is living on "borrowed time."

"Times have changed," Mr. Goldwyn said, "but Hollywood hasn't. Hollywood has run dry of ideas. It is living on borrowed time and borrowed ideas from the past, and that's why, with few exceptions, every picture reminds you of a hundred other pictures. . . ."

Mr. Goldwyn is right when he says that, with few exceptions, one picture reminds one of many other pictures. Take for instance the musicals. The producers spend millions to make them the last word in production and color, but the stories follow almost the same formula: The hero becomes successful, marries for love, and then the glamour makes him neglect his wife and there is separation for the eventual reunion. Have they tried once to have the hero and heroine stick it out to the end, regardless of temptations? No! That would be contrary to the formula and few want to risk the innovation. Yet it would be a novelty, the kind that should make at least one producer risk getting away from the formula.

The shelves of the editorial department of every studio are stacked with novels, stage plays, magazine stories and originals, and yet the producers take the most inane old pictures, most of which meant nothing to the box-office, and remake them. Why? Because, as Mr. Goldwyn says, they have grown fat with prosperity and have become lazy.

They may get by with this fat-cat complacency as long as the lush times last, but the inevitable will happen: when money does not come in so easy and the cost of living keeps on mounting until it reaches a mountain top, the public will once again become fussy about their amusement desires and will shop around to see where and when they can get the best entertainment at the lowest cost. The producers then will become frantic and will try to recapture the business. But it will not be so easy then.

HARRISON'S REPORTS

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A REVIEWING SERVICE FREE FROM THE INFLUENCE OF FILM ADVERTISING

Vol. XXVIII

SATURDAY, DECEMBER 7, 1946

No. 49

THE CASE OF THE REISSUES —AND THE REMEDY

There is a difference of opinion as to the effect the reissuing of pictures is having on the business. Some exhibitor leaders contend that too many reissues will cause the public to rebel. On the other hand, some of them believe that the reissues serve to relieve the shortage of product. But the opponents of the reissues assert that the shortage of product is the result of the producers' holding back a large number of pictures, not only to create a market for reissues, but also to release them at a later date on higher rental terms, as well as to compel the exhibitors to give current pictures longer playing time.

HARRISON'S REPORTS does not wish to enter into this controversy by espousing either point of view, but it does wish to make a few observations for the benefit of both these opposed schools of thought. The release of reissues is a matter of economics: As long as these bring the distributors great returns, in some cases even greater than those from the same pictures when they were released the first time, the distributors will continue releasing them, regardless of exhibitor complaints.

Are reissues harmful to exhibition? Unless reissues are advertised clearly as either "return engagements" or "revivals," and unless they are founded on very well known either novels or stage plays, they cannot help doing considerable harm, for most people do not remember the titles of pictures they had seen years previously and, years afterwards, when they go to see a reissue and find that they had already seen that picture, they become chagrined. They could, of course, ask for the return of their money, and no exhibitor could refuse to refund the price of the ticket to a complainer if he values the public's good will, but most such persons feel too embarrassed to demand a refund, and they leave the theatre holding a grievance against the exhibitor.

As to the contention of some exhibitors that the distributors are holding back new pictures to release them at a later date for greater profits, I believe that such a contention is debatable as being wholly true. In the opinion of this paper, the reason the distributors are holding back pictures from early release is owed in a large measure to the fact that production in Hollywood is, at the present time, uncertain, and they wish to have a backlog to fall back on in the event conditions compel them to call a complete stop to their production activities for an indefinite period. The strikes due to jurisdictional labor disputes have not only slowed up production, but also increased the cost greatly, as well as doubled and even tripled the number of days formerly required to complete a picture. As pointed out by Mr. Darryl F. Zanuck in a recent trade press interview, pictures that were once produced in forty-five days now require one hundred and even one hundred and twenty-five days,

thus not only adding to the cost, but also creating a shortage of technicians and of studio space. Studio space is, today, at a premium, and the remedy does not alone lie in the building of new studios. Old studios have a great store of old sets, which, when used, serve to cut down the production cost of a picture to a considerable extent, but new studios lack such an advantage.

The exhibitors might just as well reconcile themselves to the fact that the studios are no longer in a position to produce the number of pictures they formerly produced, chiefly because of the lack of man power, both of technicians and of artists. When a picture takes twice and even three times the number of days formerly required to produce, such a picture ties up the technicians that much longer, with the result that a shortage of technicians is automatically created.

The doubling and tripling of the length of time required to produce top pictures has brought on another evil: Since the production costs have gone higher, a producer, in order to recover the cost with a profit, finds it necessary to include in the cast a greater number of well-known players, whose marquee value serves as some measure of insurance on the box-office returns. This situation has in turn created a shortage of stars, and with such a shortage the cost of star names has gone up tremendously. For instance, a second-rate artist, who three years ago was getting, say, thirty thousand dollars for a picture, now demands one hundred thousand dollars, and even more. And even if a producer should be willing to offer such an amount, he finds that the artists are unavailable: The top pictures absorb them all.

A partial remedy lies in the elimination of the double feature.

HARRISON'S REPORTS has never taken a stand either for or against double features, for it felt that this was a problem that each exhibitor had to determine for himself. Many exhibitors feel that, with the top pictures milked dry by extended playing time in the first-runs, they are dependent on double features as a means of drawing patronage. On the other hand, many exhibitors believe that, without the double feature, Hollywood would be compelled to stop producing sixty-minute "turkeys," and there would then be enough money-making pictures to take care of all the exhibitors.

Whether you are or are not in favor of the double feature's elimination, sooner or later the reduced number of pictures will compel you to give it up. For this reason you will, if you are wise, begin now to educate your patrons to accept single features, gradually at first, but speedily afterwards. Don't wait until the gun is pointed at your stomach before you begin a single-feature policy. By that time you may be compelled to darken your house frequently.

"Dangerous Millions" with Kent Taylor and Dona Drake

(20th Century-Fox, December; time, 69 min.)

A fairly good program murder-mystery melodrama. The story is far-fetched and familiar, but it has enough excitement, suspense and intrigue to satisfy audiences who enjoy action more than story material. Set in China, which serves as an appropriate background for the sinister doings, the story revolves around an eccentric shipping magnate who feigns death and assembles his prospective heirs under one roof to claim their share of his fortune. The excitement is brought about by the methods he employs to test their worthiness, causing all but two to reveal their greed and murderous instincts. Several murders are committed, and the fact that the killer's identity is not disclosed until the finish helps to retain one's interest. The story has little human appeal, and the romantic interest is mild:—

A premonition of death causes Robert H. Barrat, a shipping tycoon, to make out his will. He entrusts Tao Ling (Leonard Strong), a close Chinese friend, with eight distinctive gold coins to be sent to his heirs, who were to use them as identification when they came to Ling's home to claim their legacies. Ten years later, the heirs, including Kent Taylor, an American aviator; Dona Drake, a South American beauty; Tala Birell and Rudolph Anders, Russians; Konstantin Shayne, a Dutchman; Rex Evans, an Englishman; Otto Reichow, a German; and Franco Corsaro, a Mexican, arrive in Shanghai. Unknown to one another, each keeps secret the purpose of his trip. All depart by bus for Ling's home and are held up on the road by Chinese bandits just as Corsaro is found murdered. Escorted to a beautiful mansion, the captives are forced to give up their coins to the bandit chieftain, who identifies himself as a former partner of Barrat's and lays claim to half the inheritance—a treasure chest containing \$20,000,000 in jewels. He orders them to appoint one from among themselves to go to Ling's home for the treasure, but when they fail to agree he selects Taylor. While Taylor is gone, the different heirs scheme to gain control of the chest at the expense of the others, but each scheme is discovered and foiled by the wary chieftain. Taylor returns with the chest and, that evening, Reichow tries to rifle it only to be stabbed to death by Shayne, who wanted the fabulous jewels for himself. Taylor subdues Shayne just as Barrat enters the room and reveals that he was still alive. He discloses that the bandit chieftain was none other than his good friend Ling, and that he had devised the scheme to learn if any of his heirs were worthy of his fortune. He concludes that all were unworthy, except Taylor and Dona, who had shown some semblance of spunk and fairness. As both embrace, Barrat makes plans for their financial future.

Irving Cummings, Jr. and Robert North wrote the original screen play, Sol M. Wurtzel produced it, and James Tinling directed it.

Unobjectionable morally.

"Affairs of Geraldine" with Jane Withers and James Lydon

(Republic, Nov. 18; time, 68 min.)

Just a moderately entertaining program comedy-drama, revolving around a wealthy small-town girl's search for a husband. The story unfolds at a leisurely pace, and since the plot hasn't much substance the action is padded by an over-abundance of dialogue, and by numerous stock shots of moving trains. As the heroine, Jane Withers strives to make something of her part, but she is handicapped by the weak story. The chief trouble with the picture is that the comedy is forced to the point of silliness. Unsophisticated audiences may find it amusing, but others will probably be bored:—

To carry out their mother's dying request, Grant Withers and William Haade set out on a campaign to find a husband for their younger sister, Jane. Their crude methods, however, serve only to embarrass Jane with her friends and cause her to run away from home to do her own husband-searching.

She visits Raymond Walburn's matrimonial agency and soon finds herself working as his assistant. Her astute business sense helps the agency to prosper, and in the course of events Jane becomes famous as "Madame L'Amour," broadcasting advice to the lovelorn, despite her inability to find a husband for herself. Her luck changes when she meets Charles Quigley, who had come to the agency posing as a wealthy man in search of romance. Quigley, having learned of Jane's wealth, sets out to win her heart. Completely flustered, Jane agrees to marry him. She returns to her hometown to gloat over her catty friends, and to make arrangements for the wedding ceremony. James Lydon, a local boy who had long been in love with Jane, helps her with the arrangements and prepares to act as best man. Meanwhile, at the matrimonial agency, Walburn finds himself confronted by two women claiming Quigley as their husband. Realizing that Jane was about to marry a bigamist, he rushes to her home and arrives in time to expose Quigley and turn him over to the police. Jane finds herself stranded at the altar, but Lydon saves the situation by taking Quigley's place as the groom and making Jane like it.

John K. Butler wrote the screen play from a story by Lee Loeb and Arthur Strawn. Armand Schaefer produced it, and George Blair directed it. The cast includes Donald Meek and others.

Unobjectionable morally.

"San Quentin" with Lawrence Tierney and Barton MacLane

(RKO, no release date set; time, 66 min.)

A fairly good program entertainment, with a special appeal to the followers of action melodramas; the title offers unusual exploitation possibilities. Although it is not different in story content and in plot development from most "cops-and-robbers" stories, it is novel in that the hero is a reformed convict, who, to save a prisoners' rehabilitation league and to make life easier for the convicts, risks his own life to track down a murderous criminal, who had used the league to make good his escape. It has plentiful exciting action and holds one in suspense throughout. The closing scenes, where the hero subdues the villain in an isolated gunclub, are thrilling. There is some romantic interest, but it is of no importance:—

Perturbed over the adverse press criticism aimed at the Inmate's Welfare League, an organization composed of convicts within the prison, and designed to preserve discipline amongst themselves, Warden Harry Shannon accepts an invitation to address the local press club in order to squelch charges that he was mollicoddling the prisoners. He arranges to take along Lawrence Tierney, a former inmate, who had founded the League, and Barton MacLane, a notorious criminal, who had become one of the League's most trusted members. On the way to the club, MacLane, aided by an outside friend (Tony Barrett), makes his escape after shooting and wounding the warden. MacLane's escape brings pressure on the warden for abolishment of the League. With the League's existence at stake, Tierney offers to track down MacLane. He learns from underworld characters that MacLane had headed for Fresno, where he had embarked on a series of vicious crimes. Tierney follows him there and is in turn followed by Richard Powers, a detective, who believed that he was trying to join MacLane in a life of crime. Powers locates MacLane and Barrett but they shoot him and make a getaway. The police suspect Tierney of the crime, thus compelling him to hide out and making his task all the more difficult. Tierney eventually learns that the two desperadoes were hiding out in a deserted gunclub. He goes there and, after killing Barrett in self-defense, subdues MacLane and hands him over to the police, thus vindicating the League.

Lawrence Kimble, Arthur A. Ross, and Howard J. Green wrote the original screen play, Martin Mooney produced it, and Gordon M. Douglas directed it. The cast includes Marian Carr, Joe Devlin and others.

Adult entertainment.

"Love Laughs at Andy Hardy" with Mickey Rooney and Bonita Granville

(MGM, no release date set; time, 93 min.)

Typical of the other pictures in the Hardy family series, with the same players portraying the different characters, this latest one is a good family entertainment and should give satisfaction where the previous ones have gone over. The story is lightweight, but it has human appeal and provides situations that are quite comical. A bit older but buoyant as ever, Mickey Rooney romps through his part as Andy Hardy in a manner that will cause audiences to chuckle with delight. An extremely funny sequence is the one in which he unwittingly finds himself escorting a girl over six feet tall to a college dance, then teaming up with her in an hilarious jitterbug dance routine. Although the plot is concerned primarily with Mickey's romantic pursuits, there is considerable appeal in the relationship between his parents and himself. Two songs by Lina Romay are worked into the plot without retarding the action:—

Honorably discharged from the Army, Rooney returns home eager to resume his studies at college, but even more eager to take up again his pre-war romance with Bonita Granville, a co-ed. He informs his parents (Lewis Stone and Fay Holden) of his plans to become a lawyer and to wed Bonita, whom they had never met. At college, Rooney soon gets into the swing of campus life and looks forward to a class reunion dance, which his parents planned to attend, in order that he might present Bonita to them. On the night of the dance, however, Bonita finds it necessary to return home, and Rooney, through a series of odd circumstances, finds himself escorting to the dance Dorothy Ford, a girl twice his height. His parents become flabbergasted at his choice of a future wife, but Rooney soon assures them that she was not Bonita. When Bonita returns, she informs Rooney that she was about to marry Dick Simmons, her guardian. Heartbroken but gallant, Rooney acts as best man at her wedding. Her marriage, however, is such a blow that he gives up his studies, returns home, and lays plans to go to South America to forget. Stone, aware that his son was under an emotional strain, reasons with him and soon makes him see the folly of giving up his college education. When Rooney begins to console himself with Lina Romay, a pretty singer and close friend of the family, his parents assure themselves that he had returned to a normal way of life.

Harry Ruskin and William Ludwig wrote the screen play from a story by Howard Dimsdale. Robert Sisk produced it, and Willis Goldbeck directed it. The cast includes Sara Haden, Hal Hackett, Addison Richards and others.

Morally suitable for all.

ZANUCK COMES TO THE DEFENSE OF THE INDUSTRY

Sam Goldwyn's recent statement about what is wrong with Hollywood has created a furore within and without our industry. Newspaper editors and columnists have pounced on Goldwyn's critical pronouncements and have used them as a springboard to leap on Hollywood in a denunciation that included charges of domination by communistic influences, and generalizations to the effect that Hollywood's name "has become symbolic in American life for social evil."

Taking issue with Goldwyn without naming him, Darryl F. Zanuck, 20th Century-Fox production head, had this to say in a letter to the *Los Angeles Times*, which was published in the December 2 issue of that paper:

"Last week *The Times* in concert with the press of the United States and the world, broadcast the tirade of a Hollywood producer against our country's film production, and a few days later the cables from Britain flashed back the utterances of a couple of English members of Parliament denouncing those 'cheap and nasty Hollywood pictures.'

"Once again the law of cause and effect has been demonstrated.

"That the motive of the Hollywood producer may have been insincere and based on a desire for personal publicity is of secondary importance.

"The real injustice and danger of such statements are the harm they do not only to the prestige of the American motion picture industry but to the prestige of our entire nation abroad.

"Whenever the enemies of the American way of life and our system of free enterprise want to poison the foreign public against us they seize most avidly upon the statements made by critics within our own borders. And when our own critics make their statements irresponsibly and, in this case in the face of facts which establish that Hollywood in the last year has made more good pictures than ever before, their criticism is nothing less than betrayal.

"When our own people condemn us our enemies have only to quote them and the people in foreign lands have little reason to doubt that our products, and inferentially therefore our system and way of life, are inferior. When a Hollywood producer tells the world that our pictures are inferior the exhibitors and the public in other countries must be inclined to believe him and their desire to see our pictures must suffer. Their confidence in American leadership also must decline.

"Hollywood producers were the first to welcome, herald and encourage the progress made recently by British film producers. Our companies distribute their products in our theatres, place the full force of our publicity organizations behind the effort to popularize their pictures with the American public. We gladly send our stars across to further enhance the popularity of British pictures. We welcome the competition which improvement of British product gives us.

"We do not 'knock' British pictures. Similarly the British should not 'knock' us. But above all, our own Hollywood producers should not belittle us to the public even if, contrary to the fact, there were validity to their criticism. We have a producers' association to which our producer-critics themselves belong, and if there are changes to be made or constructive criticism to be offered, the association meetings provide a forum for frank and honest discussion of these views.

"I have never heard U.S. Steel officials giving prepared statements to the press in disparagement of Bethlehem Steel, nor the leaders in any other industry attacking their competitors in such a manner.

"Hollywood can well be proud of its record, on the whole, as a self-regulating industry. It can exult in its many war contributions. It can be proud of its progressive-ness. It can take equal pride in its fine accomplishments in entertainment and enlightenment. And, of no less importance, it can be proud of its world leadership in motion picture production."

Although this paper agrees with Goldwyn that Hollywood is badly in need of fresh ideas because, with few exceptions, most pictures remind you of a hundred other pictures, there is no question that Zanuck is right in maintaining that such criticism should have been confined within the borders of the industry. A man of Goldwyn's experience and standing should know that any public statement he may make regarding the quality of motion pictures, especially when it tends to disparage the rest of the industry, will receive instant and wide attention, and is bound to prove detrimental to the picture business in general, and to the exhibitors' box-offices in particular. When the newspapers comment editorially on the poor quality of pictures, and give as their source of information no less than one of Hollywood's outstanding producers, no one can blame the public for staying away from the theatres. The exhibitor, of course, is the ultimate sufferer.

It is high time that Goldwyn learned to keep his criticisms of the picture business within the confines of the industry, where all who know him may accept his remarks for what they are worth.

WISE WORDS AND INTERESTING INFORMATION

The following excerpts are from a lengthy but interesting bulletin issued recently by Leo F. Wolcott, Chairman of the Board of Allied Independent Theatre Owners of Iowa & Nebraska:

"This is a real sucker territory. Ample proof of this is the number of prizes won by exchanges in this area in practically every film company drive. Certainly, there is no justification for the higher and even higher terms demanded by the distributors. Their costs are up, true; but so are their profits—Paramount made \$52 million, one million a week! in the last fiscal year—the excess profits taxes have been repealed and huge sums refunded to them, no doubt. But still they demand higher prices, stiffer terms, extra days, preferred dates, local checkers and all the other unfair advantages their monopoly has accustomed them to. Why? Well, largely because there are still exhibitors who will go for their cockeyed deals. Recent letters from Iowa and Nebraska exhibitors complain bitterly of neighboring exhibitors still going for 40% and 50% deals. And who can blame them for complaining; such deals work a hardship on all exhibitors. Sure, you are promised an 'adjustment,' promised the print ahead of your neighboring exhibitor, and you go for the deal, play the picture—and—where are you? Did everyone come from the neighboring towns? They did not! Did you make a net profit equal to the film rental, or even one-half the film rental? Not if you are the average small-town exhibitor and you honestly figure your overhead. And then did you get the adjustment? Sure, you did; you got all of \$2.50 or \$5.00, maybe even \$10.00, but only when you had bought more pictures at the same screwy deal, thereby continuing the vicious circle. When will you get wise? When will you quit being a sucker? When will you realize that it is the net profit you have left, and nothing else, that really counts? . . .

"Resist all percentage deals, but if you must go for one now and then, never go for less than a 4, 4½ or 5 times split. No picture is worth more than you pay MGM; did you ever think of that? To quote Jack Kirsch, 'Take your time, know your pictures, then take it easy!' . . .

"... From Allied Caravan and other sources we learn that Warner's 'Night and Day' and 'Stolen Life' are definitely big-city, first-run pictures . . . Paramount's 'Monsieur Beaucaire' is losing the battle to justify the terms it was sold at . . . 20th Century-Fox oversold 'Anna and the King of Siam,' 'Centennial Summer,' and 'Three Little Girls in Blue' . . . United Artists' 'Caesar and Cleopatra' is a prime box-office bust that smaller towns would do well to stay away from . . . RKO is getting 50% for 'Notorious' in some theatres in the Minneapolis territory! But on the brighter side . . . 20th Century-Fox has sold all current releases since 'Smoky' at flat rentals in this territory . . . Paramount has sold all their pictures including 'Monsieur Beaucaire' at flat rentals; the same being true of RKO, United Artists and Universal, and recently of Warners, notably 'Cloak and Dagger' . . . MGM has prohibited moveovers and dual runs of their pictures. Fine . . . We are advised by the local branch that Republic is delivering the Roy Rogers on last year's contracts as they are completed and released. But it appears to me Republic has held up 'I've Always Loved You' and perhaps others, 'Plainsman and the Lady,' 'That Brennan Girl' and a colored Western or two, which they sold last year, beyond the contract expiration date (Clause Fifteenth, Republic Pictures contract) and we hear they are now out re-selling 'I've Always Loved You,' demanding 40%, or twice the former top flat rental. I wouldn't know what most of our small towns would want with this strictly 'class' musical with little star value, but if they do, they should not re-buy it at such terms, but should collectively and individually demand it, and the others, be delivered as sold on last year's contracts . . .

"Watch out for Universal's new deal . . . Paramount's new deal, a 3 times split instead of 40%; it's some better, but never give better than a 4 to 5 times split . . . Guard carefully against initial high deals with new producing units;

they set precedents you'll be years getting away from. Examples, Liberty Pictures through RKO, Universal's 'Dark Mirror,' Borzages 'I've Always Loved You' through Republic . . .

"Are we following a pattern which led to a depression after World I? Certainly, we hope not, and we definitely are not trying to hang crepe; but let's look at the facts and see what we can learn from them. War's end was immediately followed by a labor tie-up of production, with increased wages, prices, shortages. Talk of more war—a gradual slowing down of business—resistance to OPA on the one side, resistance to higher prices on the other. Stock market break—cotton market break—butter and meat prices shoot upward, then downward. Elections give opposition party control of Congress with possible tie-up of necessary legislation, politics and economy being so tightly interwoven; could be another two years of 'do-nothing' in Washington like 1930-32. Sounds familiar, doesn't it? But I feel we should have learned from the 1929-33 debacle, and if the public will use good sense and not plunge and buy everything at exorbitant prices; if exhibitors will watch their box-office receipts and their film rentals carefully, keep them in line, and create a reserve to see them thru' any tough days which may come, we will come through this transition period OK and not again have to face the tough days like 32-33; remember how fast box-office receipts fell off—when we couldn't get half a house even for a dime to everyone? Watch it carefully—create that surplus and you'll be OK."

MR. RYAN'S ANALYSIS OF DECISION ACCLAIMED BY INDUSTRYITES

Many letters have reached this paper congratulating it on its presentation of the series of articles entitled, "A Legal Analysis of the Statutory Court's Decision," written by Mr. George S. Ryan, the eminent attorney of Boston. Typical of these letters is the following one from Mr. Milton C. Weisman, prominent film attorney, of New York City:

Law Offices of
WEISMAN, CELLER, QUINN, ALLAN & SPETT
1450 Broadway
New York 18, N. Y.

November 25, 1946

HARRISON'S REPORTS
1270 Avenue of the Americans
New York 20, N. Y.
Attention: P. S. Harrison, Esq.

My Dear Pete:

I have been reading with the greatest of interest the articles appearing in your Reports written by George S. Ryan under the title "A Legal Analysis of the Statutory Court's Decision."

Frankly I want to congratulate you on the clarity of this analysis, on its interesting and informative presentation and on the background that it gives to the entire decision, thus highlighting the decision itself.

The thought struck me that this article is so worthy that it ought to be made up into a small monograph by itself. Congratulations again.

Sincerely yours,

(signed) Milton C. Weisman

In presenting Mr. Ryan's articles, HARRISON'S REPORTS felt that it was rendering the industry an invaluable service, and it is indeed gratified by the many fine comments that have been received.

Mr. Ryan's clear-cut legal analysis of this all-important decision, in which is reflected his profound knowledge of the anti-trust laws in relation to the motion picture industry, should prove of inestimable value to every reader of this paper. Congratulatory letters, therefore, should be directed, not to this paper, but to Mr. Ryan (6 Beacon St., Boston, Mass.) in appreciation of his gracious consent to write the articles in spite of the fact that their preparation required a great amount of work and took up much of his valuable time.

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Vol. XXVIII

SATURDAY, DECEMBER 14, 1946

No. 50

BOOKING PICTURES INTELLIGENTLY

Have you ever booked a high-priced picture only to find that, on the days you showed it, adverse weather conditions ruined your box-office take? Of course you have!—There is hardly a single exhibitor but has had such an experience. Either it rained heavily, or snowed, or there was a blizzard, or the weather was so warm that people preferred to stay where they were rather than move.

Suppose you had some one to warn you in advance of the fact that there would be a storm on those days. Naturally, you would have changed the bookings and would have shown some weak pictures instead, reserving the money-making pictures for days when there would be no danger of weather conditions that would keep patrons away from your theatre. Would that benefit you? Of course it would!

Well, there is such a service, and strange to say it is offered to the exhibitors free of charge. It is furnished by Hal Roach, the veteran producer.

When I first heard of Mr. Roach's offer I wondered whether there was any "catch" or "gimmick" in it, and in order for me to find out I called on Mr. Roach and asked him to explain his motives. Mr. Roach assured me that his offer is prompted by no motive other than to build good will between the exhibitors and his company. He feels that the cost to him will be worth the good will he will gain.

Mr. Roach has arranged for this service to be furnished by the Krick Weather Service, which is headed by Prof. Irving P. Krick.

Most of you know who Prof. Krick is. He is the one whose knowledge was put into use by the Allied armies during the war, the man who told General Eisenhower on what day it would be best to land his armies in France. Hence the successful invasion.

According to Prof. Krick, long-range weather techniques have been perfected to sufficient scientific exactness to make weather forecasting practical and within 87% accuracy.

The benefit an exhibitor will get from asking Mr. Roach to put his name on the list of free subscribers is not alone in being enabled to know when the weather conditions will be unfavorable for booking a top picture, but also in being able to regulate the atmospheric conditions in his theatre. This is accomplished by the Degree-Day Chart, which predicts the number of heating units required to heat theatres as compared to the same month in previous years. Suppose, for example, the weather is fair and the exhibitor regulates his heating equipment in accordance with the prevailing temperature. But suppose that very night the temperature drops by so many degrees that

some of his pipes freeze. You may imagine the cost required for repairs. Suppose, on the other hand, the temperature is freezing, but during the night it rises by several degrees and reaches above the freezing point. If the exhibitor had known about it in advance he could have saved considerable fuel. The Degree-Chart furnishes this type of information, enabling one to regulate his heating apparatus accordingly.

The Krick Weather Service furnishes weather forecasts to farmers, banks, roofers, contractors, airlines, railroads, public utilities and sports enterprises.

For years the motion picture studios have been regulating their production schedules and sending out companies on location based on information furnished by Prof. Krick's weather service.

I have estimated that if Mr. Roach were to charge a fee to every exhibitor in the country for the service, it would have cost the exhibitors approximately \$750,000.

It is my opinion that every exhibitor can benefit greatly if he were to ask Mr. Roach to send him the monthly bulletin put out by Krick Weather Service. The information in it will enable him to book pictures on days that would bring him the greatest returns possible. Write to Mr. Roach at the Hal Roach Studios, 8822 Washington Blvd., Culver City, Calif.

A DUTY YOU OWE TO THE PUBLIC— AND TO YOURSELF

The December 1 issue of *This Week Magazine* has an article entitled, "We Can Kill the Common Cold Now!," written by J. D. Ratcliff, who is well known for his books and articles on scientific subjects.

Though the article has been written mainly for the education of the general public, owners of motion picture theatres will do well to study it carefully and to apply its suggestions to their theatres to their eventual benefit.

"Colds spread from person to person," Mr. Ratcliff says, "via the air we breathe. A sneeze launches 20,000 moisture droplets which evaporate, and leave cold microbes floating in the atmosphere. The point of attack is the air. Clean it up and colds disappear. . . ."

After revealing the three different methods by which air may be made germ free, Mr. Ratcliff says:

"An important thing to remember is that we won't have to have these elaborate protections in our homes—for the reason that colds don't start in homes. They are always brought in from somewhere else. This has been demonstrated time and again. Spitzbergen, the world's northernmost permanent settlement, has no colds while it is ice-locked in the winter. But an epi-

(Continued on last page)

"The Time, the Place, and the Girl"
with Dennis Morgan, Jack Carson,
Janis Paige and Martha Vickers
 (Warner Bros., Dec. 28; time, 105 min.)

A routine Technicolor musical, produced on a lavish scale. It has a thin backstage plot, but it should give satisfaction to those who do not pay too much attention to story detail. Although the song and dance sequences are pleasing, they are not extraordinary. A good part of the credit for its entertaining quality must go to Jack Carson and S. Z. Sakall, for it is their clowning that gives the picture a needed lift. The action is pretty sexy in spots; but since these situations have been handled from a comedy angle they are not offensive. On the whole, the story lacks human appeal and the actions of the characters do not awaken one's sympathy:—

Dennis Morgan, a singer, and Jack Carson, an orchestra leader, prepare to open a night-club in a fashionable neighborhood only to find themselves opposed by Donald Woods, manager of an operatic family, whose members included Maestro S. Z. Sakall, his wife, Florence Bates, and their granddaughter, Martha Vickers, an opera singer; Woods objected to swing music near where the family lived and threatened to invoke an injunction forbidding cabarets in the neighborhood. With Carson's help, Morgan succeeds in making Martha's acquaintance and talks her into attending the opening with her grandfather. They enjoy themselves immensely, but Sakall's wife learns of their attendance and proceeds to close the club. Sakall, feeling responsible, offers to finance a musical show for the boys providing Martha is starred. He arranges for his wife to make a concert tour of Mexico in order to get her out of the way. Sakall soon finds himself snowed under by bills and is compelled to withdraw his support. Angela Greene, a "gold-digger" and old sweetheart of Morgan's, offers to finance the show provided she is given Martha's part. Not wishing to ruin Morgan's big chance for success, Martha graciously steps out, thus breaking up the romance that had started between Morgan and herself. Aided by Janis Paige, Carson's girl-friend, the boys try numerous tricks to get Martha back into the show. But Angela, learning of their trickery, withdraws her support and quits the show. When the boys threaten to sue her for breach of contract, Alan Hale, a wealthy oil man in love with Angela, settles her contract by writing a check to cover the show's expenses. It all ends with Martha scoring a success in the leading role, while her grandfather conducts the orchestra, and with the grandmother giving her approval of the family's changeover from opera to swing.

Francis Swann, Agnes Christine Johnston, and Lynn Starling wrote the screen play from an original story by Leonard Lee. Alex Gottlieb produced it, and David Butler directed it. The cast includes Carmen Cavallero and his orchestra, the Condos Brothers and others.

Unobjectionable morally.

"The Falcon's Adventure"
with Tom Conway

(RKO, no release date set; time, 61 min.)

This should get by as the second half of a double-feature bill wherever the "Falcon" melodramas are liked. The story is far-fetched and its treatment follows the formula used in the other pictures of the series; that is, Tom Conway, as the private detective, comes to the defense of a pretty woman and soon finds himself involved in a murder case in which he himself becomes the chief suspect before bringing the criminals to justice. Despite the plot's incongruities, it has enough excitement and suspense to please those who are satisfied easily. It has comedy, too, but most of it falls flat because it is forced:—

About to leave New York on their vacation, Conway and his assistant, Edward S. Brophy, prevent an attempted kidnapping of Madge Meredith and restore her to her uncle, an inventor. Conway learns that the man had invented a new method for the making of industrial diamonds and that a mysterious gang was trying to steal the formula. Before Conway can resume his vacation trip, the inventor is found

murdered. Circumstantial evidence points to Conway as the killer, and, while the police hunt for him, Madge entrusts him with the formula and begs him to deliver it to the dead man's partner (Ian Wolfe) in Miami. En route to the Florida city, Conway outwits an attempt by two of the gang (Myrna Dell and Steve Brodie) to steal the formula. But in Miami, he finds them in possession of Wolfe's apartment. They kill Wolfe and frame Conway for the murder after failing to get the formula from him, but Conway manages to get away before the police arrive. Madge comes to Miami and arranges to sell the formula to Robert Warwick, a wealthy manufacturer of industrial diamonds. Suspicious of Warwick, Conway investigates and tricks Myrna and Brodie into confessing that Warwick had hired them to obtain the formula, which threatened to ruin his business. He learns also that Warwick had induced Madge to take a trip on his yacht, and that he planned to murder her at sea after destroying the formula. Notifying the police, Conway, accompanied by Brophy, hurries to the yacht and arrives in time to rescue Madge from Warwick after subduing the crew in a hectic battle. Satisfied that the killings had been cleared up, the police absolve Conway.

Aubrey Wisbey wrote the original screen play, Herman Schlom produced it, and William Berke directed it. The cast includes Joseph Crehan, Jason Robards and others.

Unobjectionable morally.

"Blondie's Big Moment" with Arthur Lake
and Penny Singleton

(Columbia, no release date set; time, 69 min.)

Where the "Blondie" comedies are still popular, this one should be considered a fair program entertainment. The story, of course, is on the silly side, and, as in the other pictures, the comedy is based on the hero's simple-mindedness and on his difficulties with his boss. The gags and situations are more or less carbon copies of those used in the previous pictures, but even though they are repetitious the players manage to make them amusing. The same players enact the different roles with the exception of Jerome Cowan, who has replaced Jonathan Hale as the boss. All in all, it will appeal mainly to the avid followers of the series:—

Just home from a vacation and late for work, Arthur Lake swings onto a crowded bus munching a jelly doughnut. He smears jelly all over the coat of Jerome Cowan, a crochety gentleman, and later, at the office, discovers that he was his new boss. Cowan loses no time in demoting Lake and taking away his private office, and his wrath increases when Lake bungles the handling of an important client, who was prepared to hand the firm a huge construction contract provided a suitable building site could be found. Cowan has Lake drive him around town to find a lot, finally locating one that suited the client. A baseball batted by John Granath, a youngster playing on the lot, hits Cowan on the head and gives him a violent headache along with a desire to beat the child. Meanwhile Lake's wife, Penny Singleton, seeking to soften Cowan's feelings towards her husband, invites him to dinner, to which she had invited also Anita Louise, a pretty schoolteacher. Cowan's evening is aggravated by his discovery that little John, a friend of Lake's son, was a visitor at the house, and by the fact that the mysterious owner of the acceptable building lot did not want to sell. In the course of events, Lake, seeking to impress his son's schoolmates, gets Cowan out of the office by a ruse so that he could pose as an important member of the firm. Cowan returns unexpectedly and discharges Lake. Despondent, Lake returns home, where he learns that little John was the owner of the coveted lot and that he was willing to sell, but only to Lake. Cowan learns of this development and pleads with Lake to buy the property for the firm. Penny steps in and demands that Cowan first reemploy Lake at a substantial raise. Cowan hastily agrees.

Connie Lee wrote the original screen play, Burt Kelly produced it, and Abby Berlin directed it. The cast includes Larry Simms and others.

Unobjectionable morally.

"Swell Guy" with Sonny Tufts, Ann Blyth and Ruth Warrick

(Universal-International, December; time, 87 min.)

This is an engrossing drama, but what it depicts is so uncompromisingly unpleasant that it cannot be classified as popular entertainment, in spite of the fact that it is a well made picture, with good direction and expert performances. It is strictly adult entertainment, with a particular appeal to those who seek something different in screen fare. The story revolves around a war correspondent who comes to a small town acclaimed as a hero, but who is actually such a deceitful, moral rotter that he bankrupts the local tradesmen gambling, seduces the flighty daughter of his brother's employer, leaving her pregnant, and almost wrecks his brother's marriage by encouraging his sister-in-law's infatuation for him. Abandoning his wife in France, and attempting to steal a charity fund, are among his other perfidious acts. His only decent act is where he sacrifices his life to save his little nephew, trapped in a tunnel. Several of the characters are appealing, but the main characters are unsympathetic and no attempt is made to justify their actions. In this respect the story is realistic, for their actions, particularly the hero's, are not justifiable:—

Sonny Tufts, a war correspondent, comes to a little town to live with his brother William Gargan, Ruth Warrick, Gargan's wife, and Donald Delvin, their young son. He captivates the townspeople completely, but his mother, Mary Nash, who knew that he was morally unscrupulous, tries unsuccessfully to make him leave town. Covering his lack of scruples with a charming personality, Tufts seduces Ann Blyth, sweetheart of a legitimate war hero; operates a gambling game in which he gradually bankrupts the local business men; and fascinates Ruth, making her restless and unhappy. When Ann learns of her pregnancy, she pleads with Tufts to marry her. He tells her not to worry and reveals that he had an abandoned wife in Paris. He decides to leave town when Ann bitterly declares that she would not marry him under any circumstances. Desperate for money, he goes home and tries to talk Ruth into running away with him from Gargan, taking with them money that Gargan had collected at a charity bazaar. His mother interferes just as word comes that Ruth's son was trapped in a railroad tunnel. The boy's danger ignites the only spark of decency left in Tufts, and he goes to his death bravely saving the youngster. Back in Gargan's home, his mother and Ruth keep their silence as Gargan eulogizes his brother as a real hero.

Richard Brooks wrote the screen play from a play by Gilbert Emery. Mark Hellinger produced it, and Frank Tuttle directed it. The cast includes John Litel, Thomas Gomez, Howard Freeman, John Craven and others.

"The Wicked Lady" with James Mason, Margaret Lockwood and Patricia Roc

(Universal-International, release date not set; time, 98 min.)

This British-made picture is a robust costume melodrama, produced on a lavish scale. As entertainment, it should appeal to sophisticated but undiscriminating audiences who do not object to a grossly exaggerated story, and to an utter lack of subtlety in both direction and acting. Discriminating patrons will probably find it quite unconvincing as well as ludicrous. The story, which revolves around a married adventuress who turns "highwayman" to relieve her boredom, is loaded with sex, and the dialogue and action leave little to one's imagination. To say that the heroine is wicked is putting it mildly, for the manner in which she murders and betrays all who get in the way of her quest for adventure, riches, and sex diversion, is as vicious a piece of villainy as has ever been seen on the screen. The producers apparently sought to have the story border on the risqué and sensational, but it is so artless that it serves only to handicap the players. It is definitely not a picture for either children or squeamish adults.

Set in England in the seventeenth century, the story opens with the arrival of Margaret Lockwood at the estate of Griffith Jones, a nobleman, on the eve of his marriage to Patricia Roc, her cousin. Margaret, an ambitious, ruthless

woman, sets out to capture Jones for herself and finally marries him. Although heartbroken, Patricia graciously steps aside. Married life soon becomes boring for Margaret, and she turns to highway robbery for excitement. In the course of her exploits, she meets and falls in love with James Mason, a notorious highwayman. They have an exciting, passionate affair, during which she doubles as noblewoman by day and partner-in-crime with her lover by night. Margaret breaks her relationship with Mason when she discovers him with another woman; she betrays him to the authorities, who sentence him to the gallows. Mason escapes, only to be shot to death by Margaret when he attempts to avenge himself. Meanwhile an old servant discovers her double life and she poisons him to keep him silent. Margaret next turns her attentions to Michael Rennie, Patricia's new fiancé. She falls madly in love with him and, in order to marry him, plots to kill her husband. Disguised as a highwayman, she waylays her husband's coach, but, before she can harm him, Rennie, failing to recognize her, comes to her husband's defense and shoots her down. The wound proves fatal, bringing her infamous career to an end. With Margaret gone, Patricia and Jones resume their romance.

Leslie Arliss wrote and directed the screen play from a novel by Magdalen Hall-King, and Maurice Ostrer produced it. The supporting cast is all-English.

"Temptation" with Merle Oberon, George Brent and Charles Korvin

(Universal-International, December; time, 98 min.)

Based on the novel "Bella Donna," which has been brought to the screen several times, "Temptation" shapes up as a slow-moving, overlong drama, one that will have to depend on the players' popularity for its box-office draw. It is an adult entertainment, but most picture-goers will find little in it to entertain them, for the story is archaic and unappealing, and it has been developed in a ponderous way. Moreover, the main characters are disagreeable; one feels no sympathy for them. The heroine is an unprincipled woman who attempts to poison her husband in order that she might be left free to marry her lover, whom she knew to be a blackmailing, murderous scoundrel. What makes her actions even more distasteful is the fact that her husband had given her no cause to cheat. The ending, in which she becomes regenerated and loses her life in an accident is tragic, but it has no effect on one's emotions because of her heartlessness. The picture is good from a production point of view, but the direction and performances are just passable:—

Merle Oberon, a beautiful but unscrupulous divorcee, sets her cap for George Brent, a wealthy English archaeologist, and marries him. He takes her to Egypt, where he was exploring the tomb of Ramses V, but he becomes so engrossed in his work that Merle soon finds life dull. In her boredom, she seeks out the company of Charles Korvin, an Egyptian nobleman, who supported himself through blackmail schemes. Each is fascinated with the heartless avariciousness of the other, and before long they find themselves deeply in love. Merle becomes violently jealous when she finds Korvin paying court to an American heiress, and she loses no time in upsetting his scheme to bilk the girl of her money. Desperately in need of funds, Korvin induces Merle to poison her husband so that they might take his fortune and run away together. Merle carries out the scheme, but as Brent lies dying she becomes remorseful and realizes that she loved him truly. Paul Lukas, an English doctor, saves Brent's life, and Merle, recognizing that Korvin would be a constant threat to her future happiness, kills him with the poison intended for her husband. Later, she herself perishes in a rock slide near the tomb of Ramses. Meanwhile the Egyptian police chief had found conclusive evidence of Merle's responsibility for Korvin's death, but he drops the investigation in order to preserve Brent's illusions of his late wife.

Robert Thoeren wrote the screen play from the novel by Robert Hichens. Edwards Small produced it, and Irving Pichel directed it. The cast includes Lenore Ulric, Arnold Moss, Ludwig Stossel and others.

demic arrives with the first trading ships of spring. The same is true of isolated tropical islands. . . .

"In the near future it is possible to foresee people avoiding stores, movies, hotels that fail to provide protective atmospheres—just as motorists shun drinking water in towns where roadside signs announce that the water is unsafe. . . ."

In view of the fact that, among the public places that are mentioned as requiring the protection of the atmosphere within is also motion picture theatres, exhibitors should proceed to study the problem with a view to offering the protection needed. Exhibitor organizations would do well to study the problem, obtaining their information, either from the United States Public Health Bureau, at Washington, D. C., or from the army command, or from whatever other source such information may be obtained.

Mr. Ratcliff states that Glycol vapor is most efficacious. A few droplets sprayed through the air-conditioning system may render the atmosphere free of all germs. As a matter of fact, the article states that the discovery of Glycol may be considered one of the ten most important discoveries of the war.

A theatre that will apply the Glycol method can induce many patrons to allow their children to attend the performances. As a matter of fact, it will attract many adults who now stay away from picture theatres because of their fear that they will breathe cold germs.

**"Ginger" with Frank Albertson,
Barbara Reed and Johnny Calkins**
(*Monogram, Jan. 4; time, 64 min.*)

A harmless program drama. As entertainment, it is suitable mostly for the juvenile trade on Saturday afternoons. It is doubtful if adults will be entertained by it, for the story is thin and hackneyed, and it deals mainly with children. The youngsters, however, should enjoy it fairly well, for the action revolves around a young boy's love for a stray dog, and around his efforts to prevent a crooked politician from destroying the animal. Children should find the young hero's adventures exciting. The individual performances are satisfactory, but the players are handicapped by the ordinary material and the trite dialogue:—

Compelled to give up prizefighting because of bad eyes, Frank Albertson decides to settle down in a small town with Johnny Calkins, his ten-year-old nephew. Albertson meets Barbara Reed, secretary to Mayor Dick Elliott, who, in the mayor's absence, offers him a job as master of the town dog pound. Albertson accepts the appointment and, together with Johnny, goes to live at Barbara's home, which was operated by her mother (Edythe Elliott) as a boarding house. A stray dog picked up by the dog-catcher is adopted by Johnny, who, together with Janet Burston, Barbara's younger sister, keeps the animal in a playhouse behind the boarding house. Their young friends join them in a plan to put on a dog show with the animals from the pound. The mayor, who had long sought to get hold of Miss Elliott's property as a site for a public park—a monument to himself, uses the children's dog show in an attempt to condemn the property as a public nuisance. His scheme fails and, in a rage, he strikes Johnny. The boy's pet comes to his rescue and bites the mayor. Enraged, the mayor discharges Albertson

and Barbara as city employees and orders the dog destroyed. Johnny engineers the dog's escape and goes into hiding. The police look for the pair in vain, but Gene Collins, the mayor's snivelling son, seeking to get into the good graces of Johnny and his friends, finds them and offers to intercede with his father in their behalf. As the two boys and the dog make their way back to town, Gene is injured in a fall. The dog summons help from town, and the mayor, grateful, pardons the animal, reinstates Barbara and Albertson, and orders the park to be built around Miss Elliott's property.

Oliver Drake and Donald McKean wrote the original screen play, Lindsley Parsons produced it, and Mr. Drake directed it.

"Mr. Hex" with the Bowery Boys
(*Monogram, Dec. 7; time, 63 min.*)

The "zany" antics of the Bowery Boys are used to good advantage in this latest of their series of comedies; it should serve as a suitable supporting feature wherever something light is needed to round out a double-bill. This time the comedy is based on the hypnotic powers Leo Gorcey exerts on Huntz Hall, making of him an unbeatable pugilist so long as he remains under an hypnotic spell. The action is mostly slapstick, but it is highly amusing in spots and should provoke loud laughter, particularly in crowded houses. The situation in which Hall comes out of his hypnotic state in the midst of a crucial fight and tries to put distance between himself and his opponent is extremely comical:—

When Gorcey and his pals (Huntz Hall, Bobby Jordan, Billy Benedict, David Gorcey, and Gabriel Dell) learn that Gale Robbins, their favorite jukebox singer, had quit her job to take care of her sick mother because she could not afford a nurse, the boys decide to enter Hall as a candidate in a boxing tournament, the purse to sponsor Gale's career as a singer. Hall fails miserably in his first fight, and Gorcey, anxious to help Gale, induces Ian Keith, a professional hypnotist, to teach him how to put Hall under an hypnotic spell in order to make him believe that he was a first-rate fighter. In his hypnotic trance, Hall wins many fights, and the publicity given to the hypnotist-boxer team attracts the attention of Ben Weldon, a gangster, who arranges for a professional boxer to enter the tournament under the guise of an amateur. Meanwhile Weldon's henchmen induce Dell to solicit bets against his friends, offering him a percentage of the winnings, and on the night of the fight they force him to reveal that Gorcey hypnotized Hall by means of a shiny coin. Weldon arranges for a pick-pocket to steal the coin from Gorcey, and at the same time employs a hypnotist to counter-hypnotize Hall during the bout. Gorcey manages to retrieve the coin in time to help Hall win the fight. Meanwhile Gale, learning of Dell's connection with the gangsters, talks him into exposing them to the judges. It all ends with the gangsters jailed and with Gloria's career as a singer assured.

Jan Grippo wrote the original story and produced it, Cyril Endfield wrote the screen play, and William Beaudine directed it. The cast includes Bernard Gorcey, Sammy Cohen, Rita Lynn and others.

Unobjectionable morally.

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ADOLPH ZUKOR'S SOUND ADVICE TO THE BRITISH

Speaking at an industry press luncheon this week, which marked his return from a recent European trip, Adolph Zukor, Paramount's founder and chairman of the board, lashed out at the British critics of the American motion picture industry.

In a forthright statement in which he pulled no punches, Mr. Zukor fired verbal barbs at, what he termed, "parasites" who, to cover up their own inefficiency, seek to impose import restrictions on American films and attack Hollywood with charges of "draining the British Treasury." He pointed out that the revenue American pictures receive from the British market is but "small change" in comparison to the revenue Great Britain realizes from this country's importation of broadcloth and woollens alone.

Mr. Zukor charged that American films have not only kept British theatres operating but they have also been instrumental in the building of more theatres, thus giving the British producers a greater number of outlets for their products. As to complaints that the American exhibitors are not giving British pictures playing time in accordance with a picture's merits, Mr. Zukor countered with the charge that the British producers have not yet learned to make pictures with world-wide appeal, such as is made by the American producers, who have made a close study of the wants of foreign markets. "So long as the British producers continue to conceive their pictures for local consumption," said Mr. Zukor, "they cannot expect world-wide reception of their products."

"To the American exhibitor," added Mr. Zukor, "whether affiliated or independent, it does not matter if a picture is produced in Turkey or Yugoslavia. We have no restrictive laws here, and if a picture is good and has popular appeal, the American exhibitor will play it." Mr. Zukor pointed out also that the American exhibitor is glad to encourage British production, for it is to his interest to create an additional source of product in order to better his trading position.

It has been stated frequently in these columns that, despite the feeling that exists among many British film people that the American film industry is trying to stifle competition, the American exhibitors have no prejudices against the pictures of any nation. Their one aim is to exhibit pictures that will entertain and draw at the box-office. Any British picture that will meet this test will be welcomed by the American exhibitor. He cannot, however, be expected to give playing time to a picture he cannot sell to his patrons.

Mr. Zukor is right when he says that the British producers do not conceive their pictures with an eye towards satisfying the entertainment desires of people outside their own country. Instead of being envious of the progress the American pictures have made through the ingenuity of the American producers, and instead of trying to shackle American pictures by means of quotas and other restrictions, the British film people would do well to concentrate their efforts on ways and means to meet American competition effectively,

not only in this country, but also in their own country. And the most effective way to meet competition, either at home or abroad, is to make better pictures, the sort that will appeal to the many instead of the few. The trouble with most British pictures sent to this country is that they have an "arty" approach to the subject matter, with the result that their appeal is generally limited to high class audiences. The British producers fail to realize that, to the average picture-goer, at least in this country, that which is difficult to grasp is, by its very nature, not entertaining. To the American exhibitors, as a matter of fact exhibitors all over the world, motion pictures are not an art but a business. They are interested in an adequate supply of salable popular entertainment, the sort that will be readily understood by the lowest as well as the highest intelligence in the audience. In other words, the vast majority of exhibitors are not interested in catering to the esthetes and intellectuals.

Neither restrictive measures against American films, nor constant attacks on Hollywood, will help the British film industry to improve its position in the world's markets. The solution, pure and simple, lies in their solving the secret of how to make pictures with world-wide appeal.

MORE ON "ABIE'S IRISH ROSE"

According to a news report in a recent issue of the *New York Times*, Bennie Berger, president of North Central Allied Independent Theatre Owners, issued a statement to the effect that Bing Crosby's "Abie's Irish Rose" may result in Minnesota legislation establishing film censorship unless the picture is revised to eliminate material construed as offensive to racial and religious groups.

In a letter to Gradwell L. Sears, vice-president in charge of distribution for United Artists, which is distributing the film, Berger stated that "there is a great deal of hostility and dissatisfaction in this territory concerning your forthcoming release of 'Abie's Irish Rose.' . . . A number of exhibitors have even suggested that we put through a censorship bill in this state which could easily be done and to which I am opposed. . . ."

Answering the Minneapolis theatre group headed by Berger, Sears had this to say:

"While I have not had the opportunity to read Mr. Berger's complaints except in the public press they strike me in general as being unfounded, reckless and ill advised.

"In the first place, such minor objections as have been made by competent authorities have been rectified by the producer, A. Edward Sutherland. Certain lines have been eliminated; certain scenes changed, but the picture, its entertainment, and its message of tolerance remain basically unchanged.

"More important and more dangerous in my opinion is Mr. Berger's threat of seeking local censorship in behalf of any group, or organization. Wilful talk of this type is completely contrary to the American principle and, in the hands of irresponsible people, can constitute a threat to free speech and a free screen."

HARRISON'S REPORTS extends to its subscribers and readers Greetings of the Season

"Stairway to Heaven" with David Niven and Kim Hunter

(Universal-International; no release date set; time, 100 min.)

For something different in screen entertainment, this British-made fantasy fills the bill. Magnificently produced, and photographed in Technicolor, the picture should prove a delight to high class audiences because of its unusualness both in theme and in presentation. Its odd, fanciful story revolves around an RAF flyer who escapes death miraculously, causing considerable consternation in Heaven because of his failure to arrive there as scheduled. How he battles with the administration in Heaven for the right to continue living is told in a brilliantly conceived manner as the action shifts between Heaven and Earth. From a technical point of view, the picture introduces many innovations in the art of making pictures. For example, the scenes on Earth are in Technicolor, changing to dyeminochrome when the action shifts to Heaven. The story itself is rich in humor, tender in romance, and often emotionally stirring. There is no doubt that it will appeal to the ultra-discriminating, but its reception by average picture-goers is questionable because of the story's intellectual approach. The dialogue, which is generally on a lofty plane, will probably go over the heads of many people, particularly in the closing reels, where the trial of the hero in Heaven turns into a lengthy debate between opposing counsel on the relative merits of the British and American ways of life.

The story opens with David Niven jumping out of his burning bomber without a parachute, resigned to his death. He lands in the ocean, injured but miraculously alive. In the course of events he falls in love with Kim Hunter, an American WAC, but he suffers frequent hallucinations due to concussion and imagines that he should be dead, and that the administration in Heaven was demanding his surrender in order to balance the Heavenly books. A Heavenly messenger tries to induce him to take his rightful place in Heaven, but Niven, claiming that the mistake was not his and that he was now in love with Kim, refuses to accompany him. Seeing merit in the young man's claim, the administration grants him the right to appeal. A trial is held in the Supreme Heavenly Court, where Niven's attorney, basing his case on his client's love for Kim, wins him the right to live.

The action on Earth centers around Niven's romance with Miss Hunter, and around the efforts of Roger Livesey, a doctor, to cure him. Both disbelieve his stories about his conflict with Heaven, but sympathize with his condition. While Niven is rushed to a hospital for a brain operation, Livesey meets accidental death and becomes his attorney in Heaven. Niven comes out of the operation successfully just as he wins his case in Heaven. In the sequences where the Heavenly characters visit the Earth, time stops, and the earthly characters remain "frozen," unable to see, hear, or move. It is a fascinating and novel technique. All the players, including Raymond Massey, as the prosecuting attorney, give expert performances. It is a J. Arthur Rank production, written, produced, and directed by Michael Powell and Emeric Pressburger. Adult entertainment.

"The Beast with Five Fingers" with Robert Alda, Andrea King and Peter Lorre

(Warner Bros., no release date set; time, 88 min.)

The fantastic doings in this melodrama should give the indiscriminating horror picture fans a treat. The story, which has psychological and mystical overtones, is confusing and leaves one bewildered in the end, but those who are willing to overlook story detail should find the proceedings weird, different, and spine-chilling, for it has as its villain none other than a hand, severed at the wrist, which, through trick photography, crawls around and even comes to grips with one of the characters, a crazed astrologist. Discriminating patrons will probably find it all quite ridiculous, while some others will find it too repulsive to be entertaining, for the sequences involving the hand are not pleasant to behold:—

Victor Francen, a retired concert pianist, who could play only with his left hand because his right side was paralyzed, lives in an Italian villa attended by Andrea King, his nurse; Peter Lorre, his neurotic secretary; and Robert Alda, a com-

poser. Emotionally upset over Andrea's plan to leave him, Francen dies in an accident and is buried on his estate. Charles Dingle, Francen's brother, and John Alvin, his nephew, come to the villa, confident that they will inherit the estate, and infuriate Lorre by threatening to sell the books on which he depended for his study of astrology. All are surprised to learn that Francen's entire fortune had been left to Andrea. Dingle, angered, conspires with Francen's attorney to contest the will, and even accuses Andrea of murdering his brother. Shortly afterwards, the attorney is found strangled to death, and J. Carrol Naish, the police commissioner, discovers that the fingerprints matched Francen's. An inspection of the mausoleum discloses that Francen's left hand had been severed from his body. For several nights afterwards the entire household is subjected to a reign of terror involving the hand. Eventually, Andrea pieces the mystery together and comes to the conclusion that Lorre, in whose imagination the hand lived, had used it to commit the murder and to terrify the others. She confronts him with her suspicions and, after confessing his guilt, he becomes stark mad and is captured by Naish.

Curt Siodmak wrote the screen play from a story by William F. Harvey, William Jacobs produced it, and Robert Florey directed it. Adult entertainment.

"California" with Ray Milland and Barbara Stanwyck

(Paramount, no release date set; time, 97 min.)

A fairly good Western, photographed in Technicolor. Produced with lavishness and acted by a capable cast, it offers entertainment that should go over pretty well with most picture-goers, for the story revolves around an interesting era in American history—the gold rush days of California, at which time political schemers sought to set up the territory as an independent empire. Although there is nothing startling about either the story or its unfoldment, it is fast and exciting and has a full measure of lawlessness, thrilling fist fights, and gunplay. Ray Milland, as a crusading adventurer opposing the forces of evil, plays the part with conviction, and his romance with Barbara Stanwyck, a hardened gambling queen, is of importance, being a motivating force in her regeneration. There is some human appeal in Barry Fitzgerald's characterization of a kindly farmer:—

Milland, a cynical soldier of fortune, is hired by Fitzgerald to guide a wagon train to California. Despite Milland's objections, Fitzgerald permits Barbara to join the train for the trip West. An instantaneous dislike spring up between the two, although each was attracted to the other. The train becomes completely demoralized when word comes that gold had been discovered in California; wagon after wagon deserts in an effort to cash in on the gold fever, and Milland, injured when he tries to stop the rush, remains behind with Fitzgerald. By the time both men reach California, they find that Barbara had become a reigning saloon queen, in league with George Coulouris, a former slave trader, who subjugated the pioneers and headed a political group plotting to keep California from accepting statehood in the Union. Milland challenges Barbara to a game of Faro and wins her saloon, but Coulouris takes it away from him at the point of a gun and runs him out of town, after beating him up. Barbara moves into Coulouris' hacienda and promises to marry him. Milland recovers from his injuries and returns to oppose Coulouris' political trickery. He rallies the pioneers and gets them to elect Fitzgerald over Coulouris as a delegate to the Monterey Convention. Fitzgerald's impassioned plea to the delegates brings California into the Union. Angered, Coulouris' followers resort to armed force, killing Fitzgerald. Milland and the pioneers quell the rebellion, and during a showdown fight between Coulouris and Milland, Barbara, realizing her love for Milland, and seeking to avenge Fitzgerald's murder, shoots Coulouris to death.

Frank Butler and Theodore Strauss wrote the screen play from a story by Boris Ingster, Seton I. Miller produced it, and John Farrow directed it. The cast includes Albert Dekker, Anthony Quinn, Gavin Muir and others. Unobectionable morally.

"The Fabulous Suzanne" with Barbara Britton and Rudy Vallee

(Republic, December 15; time, 71 min.)

An entertaining program farce. Like most farcical comedies, this one has a far-fetched story, as well as its share of foolishness, but one is kept amused because of the spirited performances by the players. It centers around the romantic involvements of a small-town girl who strikes it rich, and it keeps one chuckling throughout because of the comical situations and wisecracks; in addition, the action is fast and the heroine is appealing. The misunderstandings in the closing scenes, where the heroine, after a reconciliation with her childhood sweetheart, takes him to her apartment only to find it invaded by several former suitors, results in exciting and comical action:—

Barbara Britton, a waitress in Bill Henry's luncheonette, loves Henry, but he refuses to marry her because of his inability to support her properly. When one of her customers dies and leaves her \$7,000, Barbara asks Bill to marry her immediately, but he stubbornly refuses, insisting that he must first be able to support her with his own money. Discouraged, she goes to New York to try her luck in the stock market. She visits a brokerage firm owned by Otto Kruger and his sons (Rudy Vallee and Richard Denning), and by sticking a pin into a list of stocks selects one that makes her a fortune. Vallee, a reserved fellow, and Denning, a woman-chaser, fall in love with Barbara, and their rivalry for her favor waxes so hot that their father, a dapper man, visits her to learn what the excitement was about. He, too, is attracted to her, and the rivalry for her hand becomes a family affair. Meanwhile Barbara had arranged secretly for Bill to "inherit" some money from a dead relative, enabling him to open a large restaurant and encouraging him to propose to her. Both return to Barbara's apartment after an evening of romancing and find her three suitors waiting for her. They reveal to Bill the secret of his "inheritance," causing him to leave her. Furious, Barbara agrees to marry Vallee. But Kruger, aware that she was not in love with his son, prevents the marriage and brings her together with Bill.

Tedwell Chapman and Randall Faye wrote the screen play from a story by William Bowers and Mr. Chapman. Steve Sekely produced and directed it. The cast includes Veda Ann Borg, Grady Sutton and others. Unobjectionable morally.

"Sweetheart of Sigma Chi" with Elyse Knox, Phil Regan and Ross Hunter

(Monogram, December 21; time, 76 min.)

A fairly good program musical, with a particular appeal for the younger set. The story, which has a collegiate background and which was produced once before by Monogram in 1933, is the usual one about misunderstandings between campus sweethearts, with their difficulties being resolved in the final reel when the hero leads the varsity crew to victory. The story is thin; but it serves well enough as a means of putting the peppy musical numbers across. As a matter of fact, several of the songs are current popular hits. Elyse Knox and Ross Hunter are engaging in the romantic leads, and Phil Regan, Phil Brito, and Frankie Carle's orchestra handle the musical burden in pleasant style. Two specialty numbers by the Slim Gaillard Trio should have the "hepcats" stomping their feet:—

Elyse Knox, a pretty co-ed, unsuccessfully tries to attract Ross Hunter, who is protected from involvement with her by Fred Colby, whose brother, Phil Regan, owned a roadhouse near the campus. After many good-natured hi-jinks, Elyse and Ross fall in love. Ross, as key man on the varsity crew, hoped to lead his men to victory over a rival college. On the eve of the big race, two professional gamblers (Paul Guilfoyle and Edward Brophy) approach Regan and, threatening to bare his past involvement in a criminal case, try to force him to blackmail Elyse into using her influence to make Ross throw the race. Regan, worried lest his past become known and hurt his student brother, humors the gamblers and tells Elyse of their scheme. Ross gets wind of the plot and, through a series of misunderstandings, mistakenly believes that Regan and Elyse planned to carry it

through; he and Elyse become estranged. On the day of the race, the gamblers, failing with Regan, attempt to sabotage the racing shell. The culprits are caught, the crew wins, and Ross, realizing that he had misjudged Elyse, reconciles with her.

Frank L. Moss wrote the screen play from a story by George Waggner. Jeffrey Bernerd produced it, and Jack Bernhard directed it.

Unobjectionable morally.

"It's a Wonderful Life" with James Stewart and Donna Reed

(RKO-Liberty, no release date set; time, 129 min.)

Excellent mass entertainment! It is a powerful, deeply appealing human-interest drama, with many situations that will stir the emotions deeply. Every one who will see the picture will love it, for its story about a young man who sacrifices his personal ambitions in order to protect the people of his community from a greedy old banker, whose vast holdings enabled him to virtually control the town, is filled with humanity, as well as with much comedy, of the wholesome, penetrating kind. Produced and directed by Frank Capra, the picture is indeed a tribute to his reputation as one of Hollywood's finest picture-makers. Under Capra's sensitive direction, James Stewart, as the hero comes through with a superb performance, undoubtedly his best. His acting in both the dramatic and comedy scenes is so good that one's heart goes out to him.

Briefly, the story depicts how Stewart, whose father was head of a small-town building and loan association, grows up with a burning desire to get away and see the world, but each time he prepares to leave home something turns up to thwart him. The first time is when his father dies just as he was about to enter college. The crochety town banker tries to bring about a liquidation of the company, which was hurting his real estate interests, but Stewart, rather than see the townspeople lose the only means by which they could build a home on reasonable terms, assumes charge of the business and relinquishes his chance of going to college to his younger brother, with the understanding that the young man will take over as company head upon his graduation. His brother, however, finds a greater opportunity elsewhere, and Stewart refuses to stand in his way. He resigns himself to a small-town life and marries Donna Reed, a childhood sweetheart. On his wedding day, the 1932 depression causes a run on the company's funds, but Stewart saves the situation by placating the jittery investors with his honeymoon funds. He devotes himself to the betterment of the community, constantly fighting the banker's efforts to break his company, and in due time he and Donna are blessed with four children. Disaster strikes when the banker, through thievery, causes an \$8,000 shortage in the loan company's funds and accuses Stewart of embezzlement. At his wits end, Stewart thinks of committing suicide, but the people of the community come to his aid, bringing him to the realization that a man's wealth is measured, not by his bank account, but by the people he can call his friends.

The second half of the picture is highly dramatic, and part of it is fantasy, which occurs when Stewart, snapping under the strain of his difficulties, wishes that he had never been born. Thereupon he is visited by a messenger from Heaven, who grants his wish and takes him on a tour of the town to show him how his friends and family would have suffered if he hadn't been born and had not made the sacrifices that enabled them to lead a better way of life. The only displeasing note in the picture is that the banker is not made to suffer for his crime.

Donna Reed, as Stewart's wife is winsome and sympathetic, and there is great appeal in their romance and family life. Lionel Barrymore, as the banker; Thomas Mitchell, as Stewart's absent-minded uncle; Henry Travers, as the Heavenly messenger; and all the others in the huge supporting cast, contribute memorable performances. Frances Goodrich, Albert Hackett and Mr. Capra wrote the excellent screen play. The cast includes Bculah Bondi, Ward Bond, Frank Faylen, Gloria Grahame, H. B. Warner, Samuel S. Hinds, Frank Albertson, Virginia Patton, Todd Karns and many others.

"13 Rue Madeleine" with James Cagney, Richard Conte and Annabella

(20th Century-Fox, January; time, 95 min.)

A gripping spy melodrama, revolving around a hand-picked group of American agents, specially trained to handle espionage activities in connection with the D-Day invasion of Europe. The fact that James Cagney heads the cast should help considerably to overcome whatever opposition the public may still have towards pictures of this type. Once in the theatre, however, there is no doubt that those who will see it will enjoy it, for it is a hard-hitting, fast-moving and intriguing story, filled with suspense and thrills from start to finish. The first part of the picture is somewhat similar to "The House on 92nd Street" in that it utilizes the "March of Time" documentary technique in its introduction of the characters and of the theme, as well as in its depiction of the rigid training methods undergone by the agents; it is most effective. As leader of the agents, Cagney is cast in a two-fisted, daring role, the sort that is sure to please his many fans. Richard Conte, as a Nazi spy and Cagney's adversary, is extremely good. It is a serious melodramatic tale, void of romantic interest and with but slight touches of comedy:—

Included in a group of men and women recruited as secret agents are Annabella, a Frenchwoman, widowed by the war; Richard Conte, an American who spoke fluent French; and Frank Latimore, a high school French teacher. Cagney, assigned to train the group, is informed by Walter Abel, his superior officer, that one of them was a Nazi spy, whose identity was unknown. During the course of intensive training, Cagney spots Conte as the Nazi, and when the group goes to England he misleads him into believing that the Allied invasion would go through Holland. To make the story more convincing, Cagney orders Conte to Holland, ostensibly to pave the way for the invasion, and instructs Annabella and Latimore to accompany him but to proceed from Holland to France without him to locate and bring back to England a collaborator who had designed the Nazi rocket-launching sites. Conte, aware that he had been found out, manages to kill Latimore as he bails out over Holland. Annabella, however, gets away and radios the news of Latimore's death to Cagney. The latter decides to meet her in France himself. There, after many narrow brushes with the Gestapo, they manage, with the help of the underground, to locate the collaborator and return him to England. Cagney, however, is captured by Conte, and Annabella is shot down just as she radios this news to Abel. At 13 rue Madeleine, Gestapo headquarters, Cagney, despite torturous treatment, refuses to reveal where the invasion will take place. Meanwhile Abel, acting on Annabella's final message, arranges for the precision bombing of Gestapo Headquarters to make sure that Cagney would not weaken and reveal the secret. As the Allied planes start dropping their bombs, Cagney, by this time a physical wreck, laughs derisively in Conte's face even though he, too, was about to die.

John Monks, Jr., and Sy Bartlett wrote the original screen play, Louis de Rochemont produced it, and Henry Hathaway directed it. The cast includes Melville Cooper, Sam Jaffe and others. Unobjectionable morally.

"Don Ricardo Returns" with Fred Coby and Isabelita

(PRC, November 5; time, 63 min.)

Produced on a modest budget, this is a mildly entertaining melodrama, the sort that may get by on the lower half of a mid-week double-bill in secondary theatres. The story, which is set in the old Spanish settlement days in California, is very ordinary, and since one guesses in advance just what twist the plot will take it becomes tiresome. Moreover, the dialogue is trite and the acting uninspired. Another drawback is the fact that the players mean nothing at the box-office. Most of the excitement occurs in the closing scenes during a sword duel, but it is not enough to lift the picture out of its unimaginative rut:—

Having been shanghaied two years previously, Fred Coby, a young Spanish nobleman, returns secretly to his lands and discovers that his kidnapping had been arranged by Anthony Warde, his cousin, who sought to have him declared legally

dead so that he could assume possession of his vast ranch. Coby learns also that Warde wanted to marry Isabelita, his faithful sweetheart, but that she declined his proposals because of her firm belief that he (Coby) was still alive. Realizing that Warde and his henchmen would kill him if they knew of his presence, Coby disguises himself as a peon and secures employment on the estate to await an opportunity for revenge. He makes known his presence to Isabelita, and with her aid practices swordsmanship to improve his skill; he planned to challenge his cousin to a duel as soon as he secured documentary evidence of his perfidy. He secures this proof in due time and, revealing himself to Warde, challenges him to a duel to the death. Warde accepts, and after a close contest Coby gains the upper hand. Just as he is about to administer the coup de grace, the village priest stays his hand. Warde is imprisoned for his crimes, and Coby and Isabelita prepare to enjoy the future they had so long awaited.

Jack De Witt and Renault Duncan wrote the screen play from a story by Johnston McCulley. J. S. Burkett produced it, and T. O. Morse directed it.

Unobjectionable morally.

"The Locket" with Lorraine Day, Brian Aherne and Robert Mitchum

(RKO, no release date set; time, 86 min.)

A well-made, expertly acted melodrama, one that can be classified as the psychological type. Employing the flashback technique, which includes flashbacks within flashbacks, it emerges as an interesting character study of a beautiful young woman, who, because of an unfortunate incident in childhood, goes through life obsessed with a desire to steal. How this fixation affects her life, as well as the lives of four men who fall in love with her, unfolds in a manner that holds one's interest tightly. Lorraine Day, as the heroine, turns in a fascinating characterization; she cloaks her wrongdoings with such sweetness and innocence that those who love her find it difficult to accept her strange acts. The ending, in which she loses her complete sanity, is tragic:—

On the day of his marriage to Lorraine Day, Gene Raymond is visited by Brian Aherne, a psychiatrist, who astonishes the young man by stating that he had been married to Lorraine for five years, that she was a hopeless thief and liar, and that she had already ruined the lives of three men. Aherne explains that, shortly after his marriage to Lorraine, he had been visited by Robert Mitchum, an artist, who had been engaged to her. Mitchum had caught her with a stolen bracelet, and Lorraine had explained that, as a child, she had been accused falsely of stealing a locket and that the episode had left her with an uncontrollable urge to steal. She had promised never to steal again, but shortly afterwards she had murdered her wealthy employer (Ricardo Cortez) and had stolen a valuable diamond. Ricardo's valet had been convicted of the crime, and Mitchum had pleaded with Aherne to induce Lorraine to clear the innocent man. Lorraine had denied Mitchum's accusations, and Aherne had believed her. The innocent man had been executed, and Mitchum, distraught, had committed suicide by leaping from Aherne's office window. Several years later, Aherne himself had caught Lorraine with a hoard of jewels stolen from their friends. He had divorced her, and his only thought now was to prevent Raymond from making the same mistake he did. Dubious, Raymond summons Lorraine. She greets Aherne cordially, but convinces Raymond that the man was suffering from delusions. Raymond decides to proceed with the wedding. As Lorraine starts the march to the altar, she receives as a gift from Raymond's mother a locket. Lorraine recognizes it as the one she had been accused of stealing as a child, and realizes that his mother had been her childhood oppressor. The shock causes her complete mental collapse, and the story closes with her confinement in an institution.

Sheridan Gibney wrote the screenplay, Bert Granet produced it, and John Brahm directed it. The cast includes Sharyn Moffett, Fay Helm, Katherine Emry, Reginald Denny, Helene Thimig and others.

Adult entertainment.

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WALTER WANGER MISSED THE POINT

Speaking at the anniversary dinner of Survey Associates in New York on the evening of December 3, Walter Wanger condemned the proposal of the United States Government to allow the export of only such films as will show the best way of life in America. He said partly:

"What about all these films that should not be shown abroad? The films, like 'Grapes of Wrath,' that expose the defects of our social system, or 'Mr. Smith Goes to Washington,' that pokes fun at our Congress, or the gangster films or any other that belittles this great country? It should be obvious to anyone who has had experience in mass media, who really wants the people to know and does not believe in totalitarianism, that the effect of showing this type of product must be to lead the people of the world to the conclusion that democracy does work, and that only a strong democracy can afford to make this sort of self-critical product for entertainment under a capitalistic system.

"Would it be better to show ourselves to our allies and enemies as perfect men and women with none of the human weaknesses of other people; to show us as a nation of supermen where true equality exists; to show the United States as a Utopia? . . ."

In reasoning thus, Mr. Wanger fails to take into consideration many factors: That those who go to see motion pictures believe as true that which they see on the screen; that they have no way of finding out that conditions in the United States, as depicted in the film, are not general—that they prevail only in small sections of the country; that the producers, in producing a social film, are inspired by motives, not of spreading democracy through the world, but of making money, exaggerating conditions so as to attract larger crowds to the theatres; and that our producers do not show sufficient self-control to avoid treating on such subject matter as would harm the reputation of the entire nation.

When the gangster films were prevalent, the outside world thought that the entire nation was in the grip of gangsters, and that neither the national government, nor the state governments, could resist them. In the case of "Mr. Smith Goes to Washington," the injustice done to the members of Congress was that it made no distinction between honest and dishonest members, and that those abroad who saw the film received the impression that every Congressman was venal. What about those who were and are performing their duties honestly and conscientiously and to the best of their ability? That the film was injurious to the interests of the nation is evidenced by the fact that the Nazis aided and abetted its exhibition abroad before and during the war. The Japanese, too, used this picture for anti-U.S. propaganda purposes. In the September 21, 1942 issue of *Life* magazine, Phylis

Argoll, former correspondent on the Japanese *News-week*, who returned to this country on a diplomatic exchange ship, had this to say with regard to film entertainment in Tokyo, where she had been interned:

"I found no real amusement in Tokyo. . . . Most of the pictures shown are flagrant propaganda films, but they are showing some American films, which they use as an anti-U. S. weapon. In June, they were showing 'Mr. Smith Goes to Washington' as an example of the degeneration of American democracy. . . ."

Mr. Wanger would have been more convincing had he not made "Scarlet Street."

WASHING DIRTY LINEN IN PUBLIC

It seems as if Harry Cohn, production head of Columbia, and Charles Vidor, one of his directors, are biting the hand that has been feeding them all along. The dirty linen that is being washed by them in a Los Angeles court, as a result of Vidor's suit to void his contract with Columbia, is bringing disgrace upon the entire motion picture industry because of the vile charges both parties are hurling at one another, including their families. Some of the testimony is so full of smut and vulgarity that it is unprintable.

Both parties are making ridiculous spectacles of themselves. Charles Vidor seems, to this writer, to have taken a foolish stand, and it has come out in court that Harry Cohn, when it comes to using billingsgate, is a master.

Both these men owe something to the motion picture industry, which has enabled them to enjoy a fruitful life, the kind they may not have been able to find in any other industry. The slime they are now dragging through the courts can do neither themselves nor the industry any good. It will, as a matter of fact, feed ammunition to those who seek to smear Hollywood.

AN OPPORTUNITY LOST

There is no question that an effort will be made to remove or reduce the twenty per cent tax on admissions when the next Congress convenes, but whether it will succeed or not, that is another question. While many members of the new Congress pledged that they would bring about a reduction in income taxes, they pledged also to balance the budget. But balancing the budget cannot be effected if taxes are to be reduced everywhere.

The time when a reduction in amusement taxes could have been effected has, in the opinion of HARRISON'S REPORTS, gone by. It was when the motion picture industry was selling bonds and carrying on Government propaganda. At that time, both Congress and the administration would have heeded pleas for a reduction in amusement taxes from industry leaders.

It will take ten times the effort to have the ticket tax reduced now, and such effort may still be in vain.

"Dead Reckoning" with Humphrey Bogart and Lizabeth Scott

(Columbia, no release date set; time, 100 min.)

Action fans who can overlook a far-fetched story, in which the long arm of coincidence plays a major part, should find this tough, fast-moving melodrama highly satisfying. Humphrey Bogart's admirers in particular should find it a delight, for he is cast as a hard-boiled, fearless hero, a role that is well suited to his talents. One's interest is held throughout because because of the complexity of the plot; there is something exciting happening every minute, and several of the situations are thrilling. It is not a suitable entertainment for children, for the story is somewhat sordid as to incident, and the action is frequently brutal:—

On their way to Washington to receive Congressional medals for distinguished war service, Captain Humphrey Bogart, and his pal, Sergeant William Prince, are approached by photographers. Prince astounds Bogart by running away and disappearing. Bogart goes AWOL in an effort to find Prince, and the trail leads him to his buddy's home town, where he learns that the young man had enlisted under an assumed name because he was suspected of murdering the husband of Lizabeth Scott, a cabaret singer, with whom he was in love. That same day, Prince is found murdered. Believing Prince innocent, and determining to clear his name, Bogart sets out to find the killer. His investigation leads him to a night-club, where he meets Lizabeth and enlists her aid to help him solve the murders. In his search for clues Bogart crosses paths with Morris Carnovsky, the night-club owner, and Marvin Miller, his sadistic bodyguard, whose efforts to hamper his investigation convinces him of their implication in the crimes. Meanwhile Bogart falls in love with Lizabeth but eyes her with suspicion. He eventually learns from her that she had killed her husband in self-defense but that Prince had insisted on taking the blame. She informs him that Carnovsky had gained possession of the murder gun and had been blackmailing her since. To prove her love, she agrees to help him regain the gun in order to clear Prince's name. Bogart manages to secure the weapon after a terrific struggle only to find himself looking into the muzzle of Lizabeth's gun as they drive away from the scene; she demands that he turn over the murder gun and shoots him when he refuses. Their car crashes. Lizabeth dies, but Bogart survives his injuries, and clears his dead buddy's name.

Oliver H. P. Garrett and Steve Fisher wrote the screen play from a story by Gerald Adams and Sidney Bidell. Mr. Bidell produced it, and John Cromwell directed it. The cast includes Charles Cane, Wallace Ford and others.

"Mr. District Attorney" with Dennis O'Keefe, Adolphe Menjou and Marguerite Chapman

(Columbia, no release date set; time, 81 min.)

Although this melodrama features a better-than-average cast, it does not rise above the level of ordinary program fare. The well known players, however, coupled with the fact that the story is based on the popular radio show of the same name, give the picture added exploitation values. Not only is the story thin, but it lacks the element of surprise; it telegraphs each twist of the plot, thus letting one know in advance just what will happen. Moreover, it lacks real excitement, as well as human interest values. No

fault can be found with the players, who do their best within the limitations of the script, but one cannot help feeling sorry for Michael O'Shea, who, as a wise-cracking detective, is completely wasted in a dragged-in comedy role:—

When Adolphe Menjou, a tough but square-shooting district attorney, overhears Dennis O'Keefe, a lawyer, refuse to handle the case of a dishonest client, he persuades the young man to accept a post as assistant district attorney and assigns him to investigate the alleged fraudulent manipulations of a string of organizations headed by George Coulouris. Learning of her employer's predicament, Marguerite Chapman, Coulouris' secretary, offers to use her womanly wiles to keep O'Keefe from ascertaining the true facts about Coulouris' enterprises. Her charms have a decided effect on O'Keefe, whose work on several cases involving Coulouris suffers. Menjou, alarmed, checks into Marguerite's background and discovers that she had been acquitted of a murder charge several years previously. When O'Keefe refuses to break with her, Menjou sends him on an extensive trip. He returns to find her married to Coulouris. Blaming Menjou for turning Marguerite against him, he quits his post and accepts a position as Coulouris' lawyer. In the course of events, Marguerite, who wanted O'Keefe's love without giving up Coulouris' wealth, kills her husband and several others who stood in the way of her ambition. O'Keefe, by this time suspicious of her, finds conclusive evidence marking her as a cold-blooded murderess. She offers him her love and ill-gotten wealth to run away with her, but he spurns her offer and makes it clear that he intended to turn her over to Menjou. Infuriated, she tries to kill him, only to fall to her death during a brief scuffle.

Ian McClellan Hunter wrote the screen play from a story by Sidney Marshall, Samuel Bischoff produced it, and Robert B. Sinclair directed it. The cast includes Jeff Donnell, Steve Geray, Ralph Morgan and others. Adult entertainment.

"Lady Chaser" with Robert Lowery and Ann Savage

(PRC, November 25; time, 58 min.)

A moderately entertaining program melodrama, revolving around a young man's efforts to solve a murder in order to clear his sweetheart. It is suitable mostly for the action fans in secondary theatres who should find enough excitement in it to satisfy them. The story is, however, so confusing and illogical that discriminating patrons may find it tiresome. The action moves at a brisk pace, and the suspense is maintained to a fair degree since the murderer is not unmasked until the end. His identity, however, does not come as a surprise:—

Feeling a slight headache, Inez Cooper, while in a department store, accepts an aspirin tablet from Ann Savage, a total stranger. She does not use the pill and, several days later, gives it to her uncle, who dies. An autopsy discloses that the pill had been poisoned, and Inez, unable to prove where she got it, is convicted of murder. Robert Lowery, her fiance, sets out to prove her innocence and is promised full aid by Frank Ferguson, Inez's attorney. Meanwhile Ann, reading about the murder case, realizes that the poisoned pill had been meant for her, and that it had been placed in her bag by a person she was blackmailing. Panic stricken, she goes into hiding. In the meantime Lowery checks Inez's story about how she got the pill, and through Marie Martino, a maid in the department store, gets a description of Ann. Aided by Ferguson,

Lowery begins an intensive search for Ann, meeting with failure until he receives a telegram from her informing him of her address. He finds her, but she denies sending the wire. Just then Ferguson arrives and, at the point of a gun, demands that Ann turn over to him the documents with which she had been blackmailing him. Aware now that Ferguson had given Ann the pill that had caused the death of Inez's uncle, Lowery subdues him in a hectic struggle. Both Ann and Ferguson are arrested, and Inez, released from prison, starts life anew with Lowery.

Fred Myton wrote the screen play from a story by G. T. Fleming-Roberts, Sigmund Neufeld produced it, and Sam Newfield directed it. Unobjectionable morally.

"The Man I Love" with Ida Lupino, Robert Alda, Andrea King and Bruce Bennett

(Warner Bros., January 11; time, 96 min.)

A fairly good romantic melodrama, the sort that is best suited for adult audiences because of its sexy overtones, as well as of the fact that certain parts of it are quite sordid. Revolving around a hardened but kind-hearted night-club singer, whose efforts to adjust her family's problems involve her with a conscienceless racketeer, the story, which is interwoven with several sub-plots, "wanders all over the lot" and ends up with several loose ends; yet it holds one's interest fairly well, mainly because of the competent performances. The action is slow-moving, but it has good dialogue and on occasion is quite emotional because of the heroine's unrequited love for a once-famous jazz pianist. Ida Lupino, as the heroine, gives a versatile performance, and she is extremely good in her rendition of several popular "torch" songs, which she sings in a throaty, sobbing voice. The story's romantic sentiment gives it definite feminine appeal. It is not, however, a cheerful entertainment, for the doings of the characters give the picture a morbid tone.

Arriving in Los Angeles to spend the Christmas holidays with her family, Ida finds them beset with problems. Andrea King, her sister, whose husband was confined to an army hospital with shellshock, and who worked as a waitress to support herself and her little boy, was being pursued by Robert Alda, a cocky night-club operator, who had intimated that, not only she, but also her wayward brother (Warren Douglas), who, too, worked for him, would lose their jobs unless she was nice to him. Determined to put Alda in his place, Ida flirts with him and secures a job as a singer in his club. His infatuation for her keeps him in line until Ida falls in love with Bruce Bennett, a once-famous pianist, whose inability to forget his former wife had ruined his career. Unable to break up Ida's romance with Bennett, Alda amuses himself with Dolores Moran, "two-timing" wife of Don McGuire, a close friend of Ida's family. He soon tires of Dolores and orders Ida's brother to take her home. Intoxicated, Dolores jumps from the young man's car and is killed. Alda blames the brother for her death and threatens to inform the police unless Ida becomes his mistress. He changes his mind, however, when Ida saves him from being shot by McGuire, who had learned of his affair with his wife. Having saved her brother from being falsely accused of murder, and having prevented McGuire from committing murder, Ida completes Andrea's happiness by seeing to it that she is reunited with her husband, whose ailment had been cured. Her family's problems solved, Ida turns to her romance with Bennett.

Catherine Turney wrote the screen play from a

novel by Maritta Wolf, Arnold Albert produced it, and Raoul Walsh directed it. The cast includes John Ridgely, Alan Hale, Martha Vickers and others.

"Humoresque" with Joan Crawford and John Garfield

(Warner Bros., January 25; time, 125 min.)

A strong romantic tragedy. It is strictly adult fare, but it should prove to be an outstanding box-office attraction because of the popularity of the two stars. First produced by Paramount in 1920, Fanny Hurst's familiar story about the rise of an East Side concert violinist has been changed considerably. The earlier version was deeply appealing because it stressed a mother's self-sacrifice to develop her son's musical talents. This version, too, has its appealing moments along those lines, but for the most part it is depressing because it concentrates mainly on the young man's romantic relationship with an unhappily married society woman, whose protegee he had become, and on the emotional conflict both go through because of his mother's objections to their love affair. Although the story is powerfully dramatic in spots, it is not as good as it should have been for such a capable pair of players as Joan Crawford and John Garfield. Their artistic acting, however, compensates for the story's shortcomings, and women in particular should find it to their liking. As a frustrated woman addicted to drink, Miss Crawford's role is unsympathetic, but her inability to find happiness in her genuine love for the hero rouses one's compassion. Garfield, as the restless violinist torn between devotion to his mother and love for Miss Crawford, is very effective. But the one who practically walks away with the picture is Oscar Levant, as Garfield's close friend and counselor, whose witty gags and remarks frequently give the slow-moving proceedings a badly-needed lift. The picture should have a particular appeal to the lovers of good music, for a considerable part of the footage is interpolated with violin solo and concerto renditions of classical favorites, splendidly played:—

Garfield, a gifted violinist educated by the self-sacrifice of his mother (Ruth Nelson), continues his musical training throughout the depression, oblivious to the struggles of his father (J. Carrol Naish) to provide a livelihood for the family. A family discussion about his idleness stings Garfield into action and he induces his friend, Oscar Levant, a radio pianist, to get him a job with a broadcasting orchestra. Garfield, a perfectionist, quarrels with the conductor and loses his job. To help Garfield forget his troubles, Levant takes him to a swank party given by Joan, a beautiful woman, who sought to forget her unhappy marriage to Paul Cavanagh by sponsoring unrecognized talent, and by drinking to excess. She takes an interest in Garfield and finances his debut in the musical world. He gains recognition and both fall in love, but his relations with her causes his family to break with him. Meanwhile Cavanagh offers to divorce her. Garfield, delighted, asks her to marry him and persuades her to stop drinking. Garfield's mother, however, still disapproves of the marriage on moral grounds. Dejected, Joan resumes her drinking and, as the radio blares forth the strains of Garfield's violin as he performs at his greatest concert, she drunkenly walks into the sea and commits suicide. Garfield, heartbroken, turns to his music for solace.

Clifford Odets and Zachary Gold wrote the screen play, Jerry Wald produced it, and Jean Negulesco directed it. The cast includes Joan Chandler, Tom D'Andrea, Bobby Blake, Richard Gaines and others.

ARE EXHIBITORS AS EXHIBITORS QUALIFIED TO GIVE ADVICE TO PRODUCERS?

According to a recent issue of *Film Daily*, a Detroit exhibitor suggested that a practical exhibitor be stationed at each studio as a production consultant, because such an exhibitor has felt the pulse of the public and his opinions would help the producers.

Such an idea has been proposed at different times, but it is apparent that the studio heads have paid no attention to it, and properly so, for an exhibitor is just as qualified to advise the producers how to make pictures as a layman is to perform a surgery operation. Production is a specialized business, and, before any person can be placed into a position that will enable him to render competent advice, that person would require special training. The fact that such a person is an exhibitor does not qualify him for the task, unless, of course, he has had dramatic training.

How much fitted are exhibitors to advise producers on what stories to adopt and what to reject may be determined by the following incident: Several years ago, *Motion Picture Herald* sent an inquiry to many exhibitors as to what stories, books or plays they thought should be made into pictures and the answers proved conclusively that they are not, as exhibitors, qualified to make selections, for the recommendations made, if they had been adopted by the producers, would have bankrupted every company.

"The Lone Wolf in Mexico" with Gerald Mohr and Eric Blore

(Columbia, no release date set; time, 69 min.)

Second of the new "Lone Wolf" series starring Gerald Mohr, this murder-mystery melodrama, like its predecessor, is only mildly entertaining program fare. It has little to recommend it, for the story is thin, boresome, and long-drawn out, is given more to talk than to action, and the spectator is never really in doubt as to the murderer's identity. Even the performances are barely passable, but this is probably due to the fact that the players were unable to cope with the material on hand. All in all, it has the earmarks of a picture that was made in a hurry, with little or no regard paid to the story's implausibilities.

Visiting Mexico City with Eric Blore, his valet, Gerald Mohr, a reformed international jewel thief, runs into Jacqueline De Wit and Bernard Nedell, a pair of crooks he had met in Paris. Nedell, a croupier at a gambling casino operated by John Gallaudet, asks Mohr to meet him there to discuss an important proposition. At the club, Mohr makes the acquaintance of Sheila Ryan, whose husband was a wealthy jewelry merchant. Sheila had been losing heavily, and she had left her jewels with Gallaudet as security for her losses. Later, when Mohr keeps his appointment with Nedell, the croupier is shot dead mysteriously. On the following day, Sheila, through trickery, blackmails Mohr into agreeing to steal her jewels from Gallaudet's safe. Mohr discovers that her diamonds had been replaced with imitation stones. Sheila, however, gives the jewels to her husband then arranges for Mohr to re-steal them and return them to Gallaudet's safe. On the following day Sheila, after attempting to blackmail Gallaudet because of the stolen jewels, is killed under circum-

stances that make it appear as if Mohr was the murderer. Compelled to clear himself of the murder charge, Mohr, aided by Nestor Paiva, the police chief, investigates Gallaudet's gambling operations and discovers that he fleeced rich women in order to gain custody of their jewels, which he smuggled into the United States after matching them with imitation stones. He tricks the gambler into admitting the thefts and discovers that Jacqueline, who was in league with him, had murdered Sheila and Nedell to stop them from exposing both Gallaudet and herself.

Maurice Tombragel and Martin Goldsmith wrote the screen play from a story by Phil Magee, Sanford Cummings produced it, and D. Ross Lederman directed it.

Adult entertainment.

"Alias Mr. Twilight" with Lloyd Corrigan Michael Duane and Trudy Marshall

(Columbia, Dec. 24; time, 69 min.)

A moderately entertaining program melodrama. It is demoralizing, however, in that it glorifies a criminal—a confidence man. The producers have attempted to build up sympathy for him by showing him to be an affable man, whose chief concern was the welfare of his six-year-old granddaughter, whose parents had died. Whatever sympathy one feels for him, however, is neutralized by the criminal acts he commits. A particularly demoralizing feature of the picture is that it goes into minute detail in its depiction of the manner in which he carries out his different swindle schemes. As a matter of fact, the picture serves to make crime attractive because of the ease with which the swindler carries through his nefarious deeds:—

Lloyd Corrigan, an affable confidence man, leaves his granddaughter (Gi-Gi Perreau) in the care of Trudy Marshall, her nurse, while he makes frequent "business" trips. Michael Duane, Trudy's boy friend, who was a detective assigned to the Bunco squad, becomes suspicious of Corrigan's business trips when he discovers that Corrigan, who claimed to have been in San Francisco, had visited instead San Diego, where several swindles had been committed during his absence. Duane secures conclusive evidence of Corrigan's connection with the crimes and advises Trudy to leave his employ. But Trudy, concerned over the granddaughter's welfare, informs Corrigan of Duane's plan to arrest him. Meanwhile Rosalind Ivan, Corrigan's unscrupulous cousin, was attempting to blackmail him by threatening to expose his activities and thus cause him to lose custody of his granddaughter. Corrigan decides to commit one more crime, the smuggling into to the country of counterfeit money, as a means of solving his problems. Aware that Duane was watching his every move, Corrigan smuggles in the money and gives part of it to Rosalind as blackmail money. As planned by Corrigan, Rosalind is caught with the money and is accused by Duane of being Corrigan's confederate. Corrigan "admits" her complicity in the crime, and it all ends with Rosalind joining him on the trip to jail, and with Trudy and Duane gaining custody of the granddaughter, with Corrigan's blessing.

Brenda Weisberg wrote the screen play from a story by Arthur E. Orloff, John Haggott produced it, and John Sturges directed it.

Definitely not for children.

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